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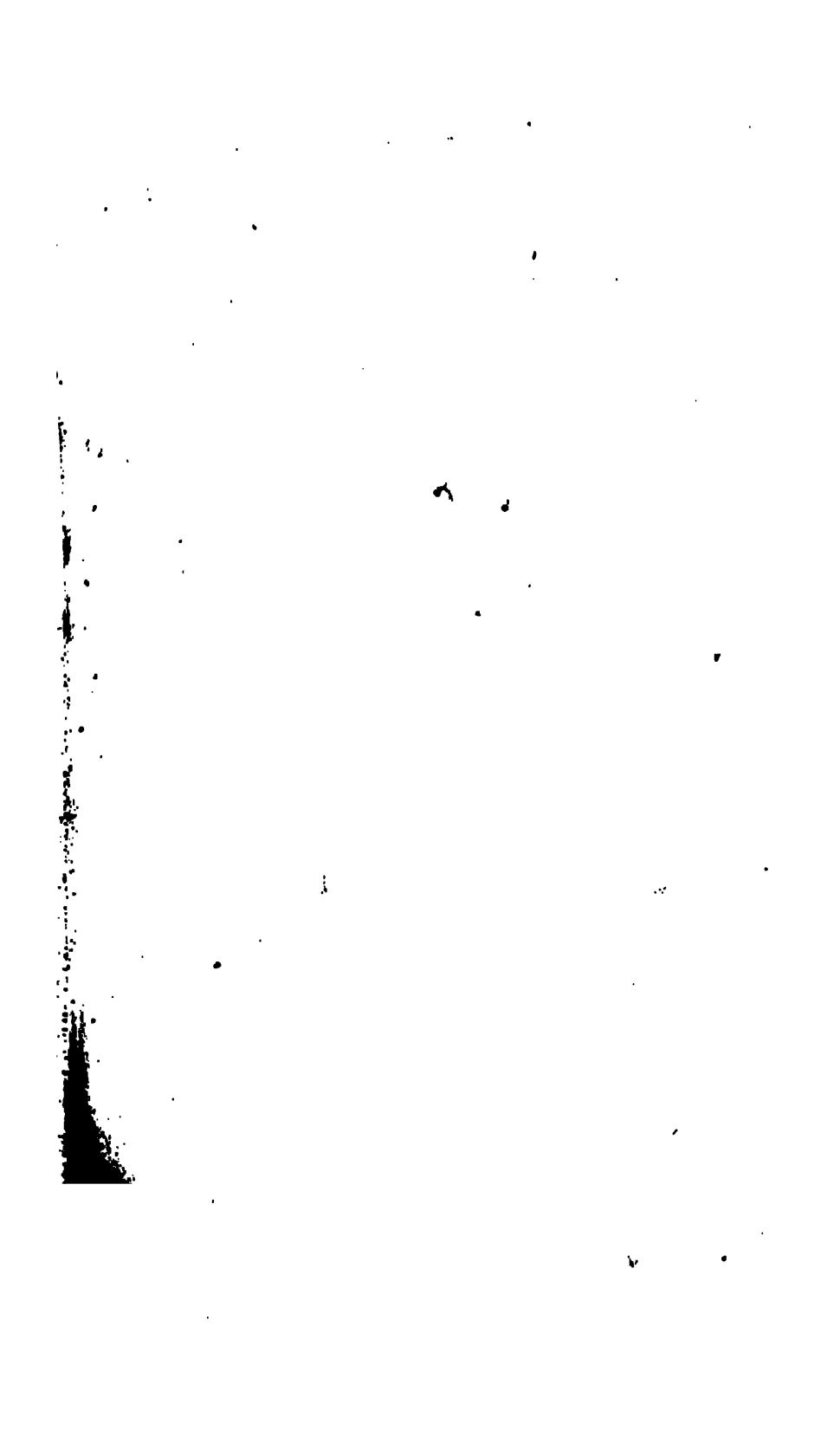
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2. J. H. 1831

A
TREATISE
ON
THE INTERNAL POLICY OF NATIONS;
OR, ON THE
MORAL AND PHYSICAL ELEMENTS
CONSTITUTING
National Resources, Welfare, and Power:.
BEING
AN INVESTIGATION
OF THE
PHENOMENA EXHIBITED IN PARTICULAR INSTITUTIONS AND MODES OF GOVERN-
MENT; AS ILLUSTRATIVE OF THE EXTENT OF THEIR ACCORDANCE
WITH THE ESSENTIAL PRINCIPLES OF INDIVIDUAL
WELFARE, AND NATIONAL PROSPERITY.

SALUS POPULI SUPREMA LEX.

"So great is the force of laws, and of particular forms of government, and so
"little dependence have they on the humours and tempers of men, that consequences
"almost as general and certain may sometimes be deduced from them, as any which
"the mathematical sciences afford."—*Hume*.

LONDON:
LONGMAN, REES, ORME, BROWN, AND GREEN,
PATERNOSTER-ROW.

1830.

885.



EXETER:

PRINTED BY W. C. POLLARD, NORTH-STREET.

PREFACE.

IN the following pages a development is attempted, of such portions of political science, or of legislation, as constitute, in a collective sense, those general principles, on which societies or governments are dependent. It is obvious, at first view, that in the investigation of such a subject, an extensive sphere of inquiry, and a correspondent portion of difficulty, are its prominent characteristic. To attempt minute disquisition, upon the various ramifications and attributes of legislation, is clearly impracticable; it is therefore the general principles of governments, or the bases of legislation only, to which attention can be satisfactorily directed. On the basis of the principle then, that

“The proper study of mankind is man,”

in an enlarged sense it follows, that the consider-

ation of subjects regarding the conformation or constitution of society ; and of the character of laws, on which mankind in society are dependent, must intrinsically possess peculiar interest. In a development of these theoretical and practical principles, however, it appears at once, that there cannot exist much novelty—since, in an historical point of view, the bases of all governments are radically the same. The application of the consequences resulting from them, or a comparison of their respective effects ; and the deduction of correspondent inferences, or axioms, from the premises, admit however of extensive variety.

The consideration of the same or like principles, by different ethical or moral writers, may be characterized by difference of opinion in each ; thus opening a wide field for disquisition and research. From the ample development of these topics, by the different ethical or moral writers who have descanted on them, it may be assumed, that a less extensive sphere remains to those, who follow in the same tract ; on the already mentioned principle, however, of a difference of sentiment on similar subjects, ample scope is still afforded, for the expression

of opinion. The character assignable to the contents of the following pages, will it is presumed be, to a certain degree, that of comprehensive, concise illustration of the subjects treated of; with, perhaps, a certain freedom of observation; which, however, the subject demands,—and which is found in its discussion to be unavoidable.

Although the character more immediately assignable to such investigation, is that of individuality, as applied to a nation or community; yet, by extension, the same principles and reasoning apply to the whole of human society. This assumption rests on the incontrovertible fact, that there are certain fixed and unalterable principles of justice, equity, or law, which are recognised as inherent in the constitution of society, and essential to its existence. These first principles are, by ethical writers, in a collective sense, comprehended under the denomination of the law of nature, or the law of nations. The demarcation and conservation of rights, appertaining individually and collectively to the constituent members of societies, form therefore, the primordial and efficient bases of legislation. We have then the plain inference afforded,

that a just estimate of the character of any government, may be formed from the observation and comparison of the extent of its accordance or disagreement with these first principles ; and their practical application or assignment, *de jure*, to the constituent members of societies. A government must therefore, be pronounced good or bad, according as it guarantees these mutual rights to its citizens ; or withholds by arbitrary and coercive measures, this mutual recognition and admission of rights, between all classes of its subjects. The distinction is therefore, in this point of view, plainly defined between the opposite characters of an arbitrary or despotic, and of a free, government. It is also apparent, that between these opposite descriptions of government, a variety of gradations, do or may subsist. The characteristic of a vicious and imperfect form of government, is, a counteraction, and an attempted subversion of the laws of nature and reason, by which the subjects of such government, or constitution of society, are deprived of those rights to which by the natural law they are entitled ; and this generates or sanctions the last degrees of human ill or suffering ; having for its direct object, the perpetuation of ignorance and despotism.

The reverse of this picture exhibits an enlightened state of society, in which a mutual recognition of rights necessarily subsists between governors and governed; and in which the prominent character and complexion of the laws, is that of an accordance with, and admission of these primordial principles, which are the efficient bases of societies.

What has here then been briefly explained, the following pages are intended more amply to develop.

Some apology may however be deemed requisite, for having undertaken to treat of subjects, which, on similar topics, have engaged the attention, and received the illustrations of eminent genius;—the expression of which is, in addition to the foregoing remarks, to be considered synonymous with the following:—"When," says Dr. Ferguson, "I recollect what the President Montesquieu has written, I am at a loss to tell, why I should treat of human affairs. But *I too am instigated by my reflections, and my sentiments.*"

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ERRATA.

Page 43, line 2, *for* have their advantages and disadvantages, *read* has its advantages and disadvantages.

— 59, — 14, *for* analagous, *read* analogous.

— 64, — 30, *dele* the.

—179, — 9, *for* exports alone, *read* exports and imports alone.

10, *for* £68. 14s., 10 per cent., *read* £68: 14: 10 per cent.

11, *for* of France, £7. 4s., 15 per cent., *read* of France, £74: 15: 0 per cent.

12, *for* £14. 11s., 1½ per cent., *read* £14: 11: 1½ per cent.

ON
NATIONAL RESOURCES,
WELFARE, POLITY, AND POWER.

BOOK THE FIRST.

OF THE POLITICAL RELATIONS OF SOCIETIES; AND
OF THEIR CONSTITUENT PRINCIPLES.

“ La science du gouvernement n'est q'une science de combinaisons, d'applications, et d'exceptions, selon les temps, les lieux, les circonstances.”

Rousseau.

CHAPTER I.

GENERAL OBSERVATIONS ON THE PRINCIPLES OF GOVERNMENTS; OR OF LEGISLATION.

A NATION, community, or political society, consisting of an aggregate number of individuals, its internal resources, comprehending its wealth, its relative prosperity, and power, depend therefore on the collective or integral energies, and proportionate prosperity or welfare, of the individuals composing it. These constituent elements,—in the first instance, wealth, founded on the combinations and productions of the energies of individuals, and the consequent proportionate welfare or prosperity of the society, being then the basis of National Power, in attempting a more definite

appreciation of the internal resources and inherent powers of a nation, the data are consequently, the general or partial distribution of these essential elements, amongst its constituent members. In instituting this species of inquiry, the question arises in the first place, as to the numerical extent of individuals, to whom these qualities are to be considered as appertaining; and secondly, as to the relative value of an implied partial distribution of the qualities enumerated; and of the elements on which these depend: in other words, of the classes into which nations are divided.

These questions, become resolvable into a consideration of institutions which have existence, or of those which should exist; and which are thus identified with, and constitute the basis of, the science of legislation. In attempting to define the relative value of such institutions, therefore, recourse must be had in the first instance to History; whence inferences are deducible, in favour of particular institutions, and modifications of legislation, according to the testimony which such an inquiry affords. The results derivable from such investigation of historical data, are the respective effects arising from the constituent principles, forming the basis of all governments; and which are primarily resolvable into the leading features of civil or political, and moral or religious institutions. These being the radical bases of all government, the defining their peculiar characters, and assigning them their res-

pective limits, constitutes therefore, those leading principles, which are of paramount importance in legislative affairs.

In questions involving the equity of particular modifications or modes of government, an extensive range of data is apparent. The derivation of all government, from a *tacit* or *implied* inherent right to power, on the part of governors; and a consequent submission on the part of the governed, either by the influence and employment of force, or by an acquiescence in the restrictions or laws imposed for its maintenance, constitutes the stability of a government. The intimate connection consequently existing between the interests and destinies of individuals; and the peculiar conformation of institutions sanctioned by the government, to whose laws they are subjected, renders such government and its institutions, if not in a more extended sense, at least in the abstract, of paramount importance to all its subjects, from whom an obedience to its laws is exacted.

This necessary obedience however to the laws, must equally operate, and have an equal tendency to enforce an obedience to laws radically erroneous,—at variance with, and uncongenial to the attributes of strict equity; and to those principles recognized as inherent in, and essential to the conservation and amelioration of society.

Those radical errors therefore, which have existence in governments, become the more extended in their operation, as they owe their origin and con-

tinuance to the mode of government, to whose existence they are *virtually* essential. An obedience to such erroneously constituted laws, and principles of legislation, must therefore proceed, either from a prejudiced adherence to them, by which they are perpetuated; or from a passive submission, resulting from the compulsive energies exercised on the part of governors, and a consequent incapability of resistance, on the part of the governed.

The discordances thus generated in societies, from such sources, annihilate that reciprocal harmony, which should exist between their constituent members.

In instituting an inquiry into those radical errors, which have existence in a greater or less degree in governments constituted on the basis of the principles which have been discussed, it will be found that, the sanction of all institutions or laws, is primarily derivable from the *antiquity* assigned them. Hence to an attempt to effect their removal or extinction, there are opposed innumerable and almost insuperable obstacles. The concentration of power in particular classes of the members of a society, renders the existence of whatever laws may be imposed, whether beneficial to the general welfare of such society, (in which case they demand universal concurrence and support,) or if on the contrary, detrimental to its existence, consequently of a character, perhaps too formidable, to admit of successful resistance.

This remark however more particularly applies to such a conformation of society as that, wherein the majority of its members manifest a real or affected indifference to the general principles of legislation; and amongst whom an unity of interests has no existence; either result proceeding from a partial dissemination of the general attributes and principles of knowledge; or from the absence of what may be termed an enlightened state of society.

The intimate connection therefore subsisting between a judicious regulation of the institutions and modifications of government in any society, and the general dissemination of the principles of knowledge amongst its constituent members, is clearly apparent. The prevalence of such erroneously constituted laws and institutions as have been alluded to, is in consequence mainly attributable to a privation of the general principles of knowledge, amongst the majority of the members of those societies, in which the alleged evils are manifest. The results are, that precisely in proportion to such general privation of knowledge and prevalence of ignorance, will be the evils generated; these being authoritatively sanctioned by the institutions, or modes of government which exist.

These remarks admit clearly of demonstration, when applied to the character of any government whose prominent and exclusive features, are an adherence to the principles of absolute and undisguised despotism. The perpetuation of such a state of

society, is undeniably founded on a prostration, or a virtual annihilation of the inherent energies of the majority of its members, as opposed to the dominant *few*; which immediately results from the *almost* insuperable barriers opposed to the general diffusion of knowledge. The admission in an extensive and unlimited degree, of such an essentially important agent, must annihilate or reduce to absolute insignificance that species of usurped power, which tyrannizes so effectively over the energies and destinies of the members of any society, who are thus subjected to its baneful influence.

Having briefly seen then, the immediate or proximate causes, of the origin and perpetuity of the evils which have existence in societies, as being identified with, and sanctioned by modes of government instituted, the inferences hence deducible, as illustrative of what should constitute the converse of these; and, as being directly opposed to such vicious and imperfect principles of legislation, become apparent, and founded on authentic data.

CHAPTER II.

ILLUSTRATIONS AFFORDED BY THE TESTIMONY OF HISTORY,
AS TO THE RELATIVE VALUE OF DIFFERENT SPECIES
OF GOVERNMENT; AND OF THEIR ATTENDANT PHENO-
MENA.

In speculative disquisitions on the science of government, and the instituting inquiries into particular forms of it, with a view to the appreciation and illustration, of what may be termed the best, or the most congenial with the constitution of society, the data are of two kinds,—theoretical and practical. The practical species being however the most extensive, embrace the whole sphere of historical evidence; and are immediately applicable to existing forms of government; whilst the theoretical or speculative kind, have reference to any species of government, which may be assumed as preferable to a government *de facto*; and which may be considered as founded on, and derivable from, deductions from historical data; or from examples afforded by

history. The difficulties and obstacles opposed to the conversion of a *theoretical* and *assumed* form of government, into one of a *practical* description, are manifestly extensive, and almost insuperable. The *antiquity* assigned to any government being the efficient principle on which its permanence or continuance is founded, it results, that *innovation* becomes strenuously opposed, from the mass of prejudices existing in opposition to such innovation on the one hand, and on the other, from the want of a due appreciation of a more beneficial form of government, and one more congenial to the attributes and welfare of society. In recurring to the evidence of history, respecting the original formation and institution of government and laws, there is at first apparent in the primary and constituent elements of society, a principle of *equality* amongst its constituent members. This equality therefore forms an essential and constituent principle in the formation of society. The institution of government and laws in society, for its conservation, having consequently generated a gradation of ranks, this in process of time, obscured or virtually annihilated, an admission of the primary and essential element, an equality and reciprocity of interests, amongst its several members. The original principle of equality, and its universal recognition being lost sight of, the results are the generating of correspondent evils and discordances in any and all governments, wherein the admission of this principle has no existence; and the constant tendency of

laws imposed, and institutions sanctioned, being the subversion of a reciprocal harmony, which exclusively proceeds from the law of equality.

These observations are clearly susceptible of demonstration, from the facts afforded by history; which constitutes therefore a legitimate means of appreciating the relative value of different forms of government, by a comparison of the respective effects resulting from them.

In such discussion of historical evidence, and in an appeal to its testimony, certain distinctions should however be observed. The distinctions or classes into which history may be divided, are clearly of two kinds,—the *ecclesiastical*, and the *civil* or *political*. To assign to these respective divisions of history, the phenomena or consequences that belong to each; or that are generated by the principles identified with these respective distinctions, in order to determine to which species belong the most salutary effects, an extensive sphere of investigation and research is exhibited to view. The ascendancy however, universally assigned to that department of history, termed the *ecclesiastical*, exhibits a correspondent ascendancy in those species and principles of legislation, which were primarily derived from, and sanctioned by the principles constituting this portion of history. The intimate connection consequently existing between different species of government, and the collateral or correspondent principles, constituting the portions of history, identified with

these specific forms of government, illustrates the correspondent ascendancy or predominance of those forms of government, as coincident with the ascendancy of the then dominant portion of history, and its ascendant principles.

Although from what has been seen, it is essential, in order to a just appreciation of these specific portions of history, to ascertain the relative bearings and consistency of each, as respects their conformity with the general attributes of truth, and authentic data, it is clear that to enter into such minute discussion in the inquiry now instituted, would be virtually impossible. In order to arrive at a just decision therefore, on the relative value of historical evidence, or, on the principles on which any specific portion of history is founded; either of that portion termed the ecclesiastical, or that which belongs to the civil or political, it is obvious that the whole sphere of historical data and monuments, demands minute attention and investigation. In order to determine then, on the relative value and authenticity of these respective distinctions of history, an appeal should be made to the proper sources, whence those inferences are deducible, which assign to the one or the other the preeminence.

Having seen then in this discussion on the respective results derivable from the testimony of history, as it respects the origin and institution of government and laws, that the first or primary element in society is or was, a principle of equality,

amongst all its members; and secondly, of the division or analysis of history, into the leading features of the ecclesiastical portion, and the civil or political; and the collateral or relative influences existing between these specific portions, and the correspondent principles of government identified with them, a more definite application of these data, may be adopted.

In reverting to the origin and formation of society, as has been already stated, the primary and constituent element, is found to be a principle of equality and independence amongst its several members. The impossibility however, of any society existing, independent of some species of government to control and direct the several interests, and the infinite variety of circumstances affecting the individuals composing it, renders the existence of a government of some description, indispensable. The variety of forms however, into which the administration of government may be divided, makes it a somewhat difficult task, to investigate the minutiae connected with them. In taking an historical survey of the changes and modifications of which governments are susceptible, and recurring to their origin, it becomes indisputable, that the species of government that at first had existence, or that was primarily established, must have been of the description termed a commonwealth, or a republican government;—since what is termed political power, must at first have been vested in the

mass of the people, but from the inconveniences resulting from such extension, a delegation of power, or the appointment of chiefs and governors, for the distribution and management of the attributes of legislation or jurisprudence, became a natural consequence.

A republic or commonwealth, must therefore have had the precedence of other forms of government; (A) which immediately resulted from that state of natural equality and independence, in which mankind originally existed, in what may be termed the primary formation and institution of society. An innovation on this original species of government, denominated the republican, or commonwealth, must have been an approximation to monarchy, or monarchy itself, this being a still further concentration of power, until it centres in a sovereign. This description of government,—the monarchical, is however clearly susceptible of an extensive variety of modifications, and combinations of different, and primarily distinct elements. The leading distinctions, and characteristic features of the description of government termed monarchical, are, absolute and limited monarchy. The close connection subsisting between these specific forms of government, and the physical, moral, and intellectual welfare of the individuals subjected to their control and influence, is striking, and affords unequivocal and well authenticated data, relative to the appreciation of such facts and portions of theo-

retical and practical knowledge, as are in these cases sought after. Taking the first description, above specified,—viz. that form of government termed an absolute monarchy, there are in such description of government exhibited, principles and defective attributes of legislation, of the very worst description. In this description of government, there is clearly exhibited, a virtual or an almost entire subversion of the original and essential elements in the formation of society;—the alliance or identification of political power, as associated with, and derived from the mass of the people, resulting from the primary element of equality. The abstraction of what to a certain extent, is indisputably the prerogative, *de jure* of the people; and the concentration or limitation of power, to a comparatively small number of individuals, subjects the majority to the entire caprice and control of their inferiors, in point of numerical extent, and consequently of physical energy;—this being obviously characterized by a species of subjugation the most arbitrary and unconditional, that perhaps can under any circumstances have existence. The duration of such species of government, is to be ascribed to the qualities already enumerated,—viz. on the part of the people, an abstraction or privation of the essential elements or principles of knowledge; and on that of governors, an unlimited exercise and usurpation of power; or virtually the natural resources of a nation, as derived originally from the people, and

with them identified, but exclusively applied in such instance to their serious disadvantage, productive of the worst consequences, and injurious to the best interests of society.

It is vain therefore to seek in such species of government,—viz. that of an absolute monarchy, for such displays of national vigour, or those natural qualities associated with, and constituting national greatness and power, as result from a combination of free and uncontrolled energies on the part of the people, or that portion of a nation, whose interests and welfare, are inseparably connected with the existence and preservation of free and popular institutions. The depreciation, or virtual annihilation, of those national and natural qualities, which should exist and develop themselves in societies, being founded on, and immediately proceeding from the causes which have been pointed out, a still further developement of their specific sources, is open to elucidation.

The efficient principle on which governments are dependent, is that of opinion, and the concordance of sentiments entertained by the majority, in acquiescence in established laws, customs, or usages. This acquiescence is however, from what has been already stated, either voluntary or constrained, as respects the portions or classes into which nations are divided ;—on the one part that of the majority, or the people ; and on the other, of their governors, or those whose interests are identified with the form

and attributes of the laws and institutions established. The following quotation from Hume, in his Essay,¹ "Of the first principles of government," may be adduced as illustrative of the preceding observations; viz. that "nothing appears more surprising to those, who consider human affairs with a philosophical eye, than the easiness with which the many are governed by the few; and the implicit submission, with which men resign their own sentiments and passions to those of their rulers. When we enquire by what means this wonder is effected, we shall find, that as FORCE is always on the side of the governed, the governors have nothing to support them but opinion. It is therefore, on opinion only that government is founded; and this maxim extends to the most despotic and most military governments, as well as to the most free and most popular." The species of opinion on which governments are founded, are "of two kinds, to wit, opinion of interest, and opinion of right. By opinion of interest is to be understood the sense of the general advantage which is reaped from government. When this opinion prevails among the generality of a state, or among those who have the force in their hands, it gives great security to any government.

"Right is of two kinds, right to Power, and right to Property. Upon these three opinions therefore, of *public interest*, of *right to power*, and

¹ Hume's Essays, vol. i, Essay iv.

of *right to property*, are all governments founded, and all authority of the few over the many." It results, then, from the law of a reciprocity of interests, founded on the primary law of equality, that in proportion to the existence of a mutual understanding, and recognition of respective rights, either moral, civil, or political, severally attaching to, and identified with the interests of governors or governed, will be the harmony and mutual welfare established, emanating from such efficient causes.

The essential and efficient principles therefore, which have existence, and which should exist in governments or societies, as conducive to the collective and individual welfare of their constituent members, and in a general sense, of mankind at large, being the maintenance of free and popular institutions, it unequivocally follows, that amidst the variety of forms, of which the science of legislation or government is susceptible, that species of government must be pronounced the best, which most favours the existence of such free and popular institutions ; and whose very essence must consist in the preservation of these, and their consequent application, to the infinite variety and combinations of interests, associated with the mass of individuals, subjected to the control of such specific forms of government ; or in other words, that

"Whate'er is" or can be "best administer'd is best."

In an enumeration therefore, of the relative merits of different forms of government, as respects their

accordance with the welfare, conservation, and amelioration of society, that which least favours the attainment of such specific end, as has been seen, being the description of government, termed an absolute monarchy, from its involving such discordant and defective principles of legislation, and being wholly uncongenial with the essential constitution of society, a milder and more beneficent form of government is in such case indicated, and becomes indispensably essential. The other division of the description of government termed the monarchical, being that of a limited monarchy, its characteristic features are essentially different, and more congenial with the best interests and incipient elements of society.

A further division of the monarchical form of government, may be assumed as consisting in the existence and influence of that portion, termed the aristocracy, on which side exists a preponderance of the wealth of a nation, and a consequent identification of power. In the description of government now under consideration,—viz. that of a limited monarchy, its characteristic features are, in opposition to those of an absolute monarchy, a mutual recognition of respective rights, allied with and appertaining to the respective divisions or classes, under which the constituent members of such society are comprehended. The appropriation of a specific portion of political power then to that portion of a nation denominated the people; and a mutual re-

cognition of respective rights between governors and governed, being the characteristic of an enlightened state of society, it is to the maintenance of such an equilibrium and reciprocity of interests, to which the energies and specific attributes of governments and laws should be directed.

It must be admitted, that the essential data herein assumed, as conducive to a judicious regulation of society, are to be found in a considerable degree existing under the monarchical system, but exclusively in a limited monarchy. Although the monarchical form of government, comprehended under the denomination of a limited monarchy, is, in an eminent degree conducive to the well-being of society, there are still, in common with other forms of government, involved in its essence and constitution, principles and attributes of legislation, derogatory to the attributes of *strict equity*; and having therefore a consequent tendency to annihilate the existence of a mutual harmony, between its constituent members. The radical and efficient causes of such dereliction from principles of public and political equity, are to be found in a species of arbitrary control, emanating from what has been stated to be the efficient principle in the support of government,—opinion. The extensive influences therefore to be ascribed to this prominent attribute, as forming the motive principle, on which every system of government is dependent, admits of more minute investigation.

CHAPTER III.

OF THE POPULAR OPINION, ITS CHARACTERS, AND THE EXTENT OF ITS INFLUENCE IN LEGISLATIVE AFFAIRS.

From what has been already advanced it is apparent, that the basis of all authority exercised by governors over the governed, is found to be that of opinion, in favour of any specific mode of government, adopted either voluntarily or by constraint, by the members of a society. This constituent principle, is found to be strengthened by the antiquity or length of duration, that may be assigned to any government. The dependance which governments have on this principle being such as to render it essential to their existence, its control and a prescribed sphere of action being assigned it, forms a primary and important object in the affairs of legislation. It is in this point of view, therefore, that there may be discovered a deviation from strict equity, that as founded on the law of equality, should be rendered

the consecutive effects.¹ The position here assumed is, that the theocratical *mobile* of states, being the acknowledged source of power, this, in its diversified influences and ramifications, blended with civil institutions, gives the direction to, and constitutes the public opinion.

The precise relations then subsisting between governments, and their constituent members, and the extent and influence assignable to popular opinion, are in the first place, that of being under the control of despotic and arbitrary power, or the predominance of this ; and secondly, under milder forms, wherein popular opinion is respected, and its influence felt and acknowledged. The first of these being characterized by an entire departure from the attributes of justice and equity, and involving the worst principles of legislation, scarcely deserve attention ; and it is to the second point assumed,—that of milder forms of government, to which attention should be exclusively directed ; and a minute investigation of their specific attributes instituted.

By the thesis herein assumed,—that of milder forms of government, are meant those which are termed representative forms of government ;

¹ This for instance, would be to delineate some of the fatal consequences accruing to society, from fanaticism, and the misguided effects of religious zeal, &c. &c., of which the phenomena are infinite.

wherein a delegation of power, recognized as emanating from the people, forms the constituent principle and basis of legislation. This principle of representation, being incontrovertibly the ultimate perfection of government, (B) the nature and character of the species of representation adopted, influences therefore to a considerable extent, the complexion and attributes, of the mode of government which exists. The extent and influence to be ascribed to public opinion, is in this instance strikingly illustrated. It becomes therefore apparent, that since any specific mode of government, exclusive of the arbitrary or despotic kind, takes its peculiar character from the species of representation adopted, and this specific mode of representation or delegation of power, being derived immediately from the people, the principles constituting popular opinion, are virtually the motors and efficient causes, which may and should decide the character of the mode of government adopted, and influence its operations. The sense in this instance assumed, relatively to the influences to be ascribed to the operations of government, as connected with popular opinion, is that of a specific relation existing between laws enacted, as sanctioned by and emanating from public opinion, and from it taking their complexion and character. The connection therefore subsisting between the public mind, or the popular opinion, and the character of laws imposed, demonstrates the importance which at-

taches to a judicious regulation of public principles favouring the existence of an enlightened state of society.

Having seen then the importance which attaches to a judicious regulation of public opinion in society, by a consistent inculcation of the attributes and general principles of knowledge, an examination of this constituent element in the science of legislation,—that of opinion, in an opposite point of view, wherein on the contrary, it is subversive of the best interests of society, may be admitted.

CHAPTER IV.

OF THE ERRONEOUS FORMS WHICH POPULAR OPINION MAY ASSUME, AS DEPENDENT ON THE INFLUENCES RESULTING FROM PECULIAR QUALITIES INHERENT IN THE HUMAN MIND;—VIZ. OF PREJUDICE, CREDULITY, IGNORANCE, &c.

The ill consequences accruing to society from the want of a due cultivation of the principles of knowledge, or from coercive restraints imposed on it, which prevent its universal recognition, are manifestly extensive, and in many cases apparently insuperable. In an investigation of the phenomena presented by the combinations of the moral and social laws, these are recognized as emanating from the cultivation, extent, and influence, of any specific portion of moral and political knowledge, common to and mutually understood, between the constituent members of societies. This efficient principle, of a mutual recognition of respective rights however, as has been seen, being the indispensable basis of legi-

timate government, the assumption of an opposite principle,—that of assigning specific limits to the acquisition and dissemination of the principles of knowledge in its general and extensive characters, is manifestly to run counter to the laws of nature and reason. No society can therefore be pronounced to be well constituted, whose form of government and institutions do not admit this essential principle; *the unlimited extension of knowledge, to the whole of its constituent members.* In taking an historical and philosophical review of the developement and cultivation of the principles of philosophy and science, comprehended under the several denominations of natural and moral laws, and of civil and political, in different periods of history, the prominent characteristic is found to be that of progressive improvement, by which the sphere of knowledge is extended, and its beneficial influence felt and acknowledged. The indispensable importance of such general dissemination of knowledge in its comprehensive characters being indisputable, it becomes alike incontrovertible, that some portions must claim the pre-eminence. This view of the subject then involves important considerations. From what has been stated in the preceding chapters, and from what is found to be the prevalent principle in governments, it is apparent that the circumstances and phenomena resulting from this essential agent—the dissemination of knowledge, and on the contrary coercive measures employed to counteract the influ-

ences likely to result from its operations, forms a considerable portion of the essence of legislative enactments. The connection subsisting between all governments and religious institutions, is found to be a primary cause, which generates and sanctions coercive measures of every kind that are found to exist. These decidedly intolerant principles of governments, are the efficient causes of defective systems of legislation. The security of governments, and the efficient principle on which they are founded, being that of opinion, its control and direction, becomes an object of paramount importance. The extent and influence assignable to religious opinions or dogmas consequently, renders the direction and control of these the most important feature in legislative affairs. The necessity imposed on all the members of a society, to conform to established laws and customs, which have for their avowed object the preservation of the particular religious system adopted, limits in the first place their sphere of action; and controls the energies of the individuals or constituent members of societies. This limitation and prescribed sphere of action, as regards speculative opinions, operates most injuriously to the general dissemination of the principles of knowledge and science. In reducing the specific causes herein assigned as productive of defective principles of legislation to their simplest character, there are found to be derived from the perversion of popular opinion, or rather as productive of such perversion,

the specific evils which have been enumerated ;— in the first place that of ignorance, and as a consequence of this, prejudice, and perhaps as an emanation from both, credulity. Since therefore in attempts to enlighten the human mind, either in individuals or collectively in societies, the obstacles to be overcome are so deeply interwoven with, and constitute so considerable a portion of, the mental phenomena, it is obvious to what extent the evils complained of have existence, as being interwoven with the very essence and constitution of a society or societies. The formidable barriers opposed to the dissemination of knowledge being found to consist in these attributes of the mind, denominated credulity, the offspring of prejudice, and this founded on ignorance, it unequivocally follows, that these comprise the immediate sources of the evils existing in societies, as emanating from defective principles of legislation, and imperfect forms of government.

The unlimited importance assigned to speculative dogmas or opinions, and a wrong direction given to these, is therefore a main cause of an imperfect constitution of society; and a perversion of the essential elements which have been enumerated,— of equity, resulting from an admission of the principle of equality; and the consequent existence of a mutual harmony, on which the best interests, and judicious regulations of society are founded.

In connection with the foregoing discussions, it may be here surmised, that since at existing periods, and in the far greater portions of society, knowledge in its most general and comprehensive characters is so widely diffused, and is proportionably appreciated, to indulge in a strain of invective, which affirms that deficiencies rather than an excess of this desirable element predominate, would be irrelevant to the nature of facts; and that even to advocate and represent its paramount utility and importance, when, under the existing circumstances, these are rendered so apparent and demonstrative, as to amount to palpable truisms, might in fact participate of a charge of supererogation. Such reflections would however, be immediately combatted, by a consideration of the magnitude of the subject presented to contemplation. An analysis of even a few particulars, out of the extensive varieties which the attribute of knowledge assumes and comprehends, would thus induce a comparison, of the relative value and importance of the several divisions of knowledge, into theoretical and practical, useful, scientific, and abstract; moral and theological, &c.; of which several species and classifications, it need scarcely in passing be remarked, that custom, usage, and above all opinion in society, assign the pre-eminence and the first importance, to religious and theological knowledge; and consecutively, as a direct emanation therefrom, to the several portions of moral knowledge; or the science of morality. In

accordance with this view of the subject, Dr. Paley observes,¹—"As the will of God is our rule; to inquire what is our duty, or what we are obliged to do, in any instance, is, in effect, to inquire what is the will of God in that instance? which consequently becomes the *whole* business of morality.

"Now there are two methods of coming at the will of God on any point:

"I. By his express declarations, when they are to be had, and which must be sought for in scripture.

"II. By what we can discover of his designs and disposition from his works; or, as we usually call it, the light of nature.

"And here we may observe the absurdity of separating natural and revealed religion from each other. The object of both is the same—to discover the will of God."

As is here assumed then, that ethics and theology should be inseparably blended, it follows, there are two assigned sources for moral duty;—"the light of nature," and "revealed religion." Since however, a perfect identity cannot subsist between these—differences must arise—contradictions, and, at length, in certain instances, a directly adverse character must exist. Whence it follows, that what is according to the will of God in one instance,

¹ Principles of Moral and Political Philosophy, book 2, chap. iv.

would be directly the reverse in another ; although, as is assumed, both means are efficient for discovering the will of God.

Since then, as has been seen, contradiction is unavoidable in the derivation of moral duty from two perfectly distinct sources ; and the proposed object is, from both of these sources to discover what is the will of God relatively to moral conduct, it inevitably follows, that this is to constitute the asserted will of God in direct contradiction to itself, which is a *reductio ad absurdum*. Such decision on the will of God, has therefore no other assignable basis than opinion, which is infinitely varied : but it is obvious, that what is here sought for, is, positive law ; and, as regards the internal constitution of society, “ to inquire into the tendency of actions, to promote or diminish the general happiness.”¹

For uniformity and precision then, a more just definition than this,—that it is the will of God which forms the basis of all moral duty, would therefore be the admission, that it is the law of nature ;—First, because the latter is founded on constant, regular, and immutable facts, to which all the phenomena and orders of nature are subservient : Secondly, because therefore, these have intimate and inseparable relations with the natural organization of mankind and society. This definition of moral sci-

¹ Paley's Moral and Political Philosophy, book 2, chap. iv.

ence, thus at once frees it from the various prejudices, conflicting opinions, and contradictory doctrines, inevitably arising from sectarianism; and the opposite duties which sectarian principles generate and establish; relatively to which varied duties and opinions, it may be observed,—

“For modes of faith let graceless zealots fight;

“His can't be wrong, whose life is in the right.”—POPE.

We are here however met by the question, that if the sanctions of religious doctrine, on the principle of their extreme *diversity*, do not constitute a legitimate basis for an *uniform* morality, wherein consists a prescribed code of ethics, reduced to specific rules? Is the collective wisdom and experience of mankind, of sufficient authority, to guarantee and sanction a legitimate sphere of duty, on which the regulation and superior direction of society should be founded? This then constituting the most considerable portion, and virtually the collective whole of the essential policy of nations, or the very essence of the science of legislation; and the test being the proportionate degrees of the general and individual welfare and happiness effected,—a definite measure of comparison is thus instituted, for decision on the merits of the several varieties of legislation; or of the moral and political principles of governments.

Having then somewhat freely descanted on the specific causes to be assigned for the production of the evils in societies, arising from defective princi-

ples of legislation ; which become traceable to their most minute ramifications, a portion consequently of our proposed inquiry, has been to a certain extent accomplished,—viz. the tracing to their sources the real causes of defective systems of government ; and whence the respective inferences are deducible, of what should constitute the legitimate bases of well regulated governments, as conducive to the production of a reciprocal harmony, in the affairs and minute provinces of legislation.

CHAPTER V.

GENERAL COROLLARIES FROM THE PRECEDING ARGUMENTS.

In the preceding observations it has been seen, that the immediate and efficient causes of defective systems of legislation, are mainly and almost exclusively traceable to the absence of an enlightened state of society. In this general designation however, of an unenlightened state of society, are principally comprehended the majority, in other words, the democratic portion of a nation. The leading divisions in states constituted under the monarchical system, are aristocracy and democracy. These distinctions however exist, to a certain extent, under other forms of government, independent of monarchy ;—such as under the republican form, as well as others ; but it is indisputable that the aristocratic portion of a nation, possesses the most extensive influence and power, under the monarchical system. The assumption of distinct species of

rights, as exclusively belonging to aristocracy, consequently abstracts from the people or the democracy, specific rights, to which by the laws of equity and equality, they have indisputable claims. The necessary alliance of wealth with the aristocracy of a nation, assigns to this portion a preponderance of political power. The essential attributes therefore of political power, founded on wealth, and associated with the extensive influences resulting from knowledge, or intellectual cultivation, necessarily exist in combination. In monarchies, these are found combined on the side of the aristocracy, with a consequent arrogation and assumption of rights or immunities, independent of, and abstracted from the democracy, or the majority of a nation.

From the observations that have been made, the following are legitimate inferences;—that the character and phenomena of governments, as respects the proportions of mildness and severity, are strictly dependent on the extent of intellectual cultivation, or the essential principles of knowledge and science being common to, and mutually understood between, the constituent members of societies. This principle of intellectual cultivation—synonymous with the existence of an enlightened state of society, or on the contrary the absence thereof, as influencing the character of any mode of government, will be found to be strictly accordant with historical data, and actual observation. For a demonstration of the truth of these remarks, we have only to appeal to

the evidence afforded by those states and imperfect constitutions of society, wherein superstitious dogmas and despotism are inseparably combined. The inseparable connection existing between superstition and ignorance, renders this the fruitful source of all species of coercive restraints which are found to exist in societies, whose institutions and modes of government, have for their immediate and avowed object and end, the diminution or contraction of the sphere of knowledge, and a consequent annihilation of the salutary effects resulting from it.

In the preceding observations, it has been endeavoured to trace to their sources, the general and specific causes to be assigned, for what constitutes, either in the first instance defective systems of legislation; or, on the contrary such as are essentially conducive to, and form the bases of legitimate and beneficent modes of government, on which the welfare and best interests of society are dependent. In such analysis and resolution into their constituent and primary elements, of the diverse principles and attributes of government, as has been attempted to be illustrated, we are infallibly presented with the minutiae or data sought after. To pursue such mode of inquiry or investigation to its most minute ramifications, it is evident that comprehensive views of the history of mankind, consequently divided into different periods, and in different climates and nations, becomes indispensably essential. In this point of view however the subject

intrinsically considered, appears inexhaustible; but from extensive observation and judicious reasoning on the general phenomena presented to view, specific and definite axioms or maxims, as to what should constitute the political and moral attributes of society, become infallibly deducible.¹

¹ *L'Esprit des Loix* of Montesquieu, may here be cited, as being principally founded on, and comprehending expositions of the varied phenomena of laws and government, in different periods of history, and in different climates and nations. His generalizations however, exhibit discrepancies, which are consequently susceptible of controversy.

CHAPTER VI.

EXHIBITING DIFFERENT VIEWS AND INFERENCES FOUNDED
ON LIKE PRINCIPLES, VIZ.—ON THOSE OF THE MONAR-
CHICAL FORM OF GOVERNMENT, AND THE REPUBLICAN
OR COMMONWEALTH, ETC.; RECAPITULATION OF THE
FOREGOING ARGUMENTS.

In the arguments contained in the preceding chapter, it is stated, that the leading features of the monarchical system, are an alliance of political power with the aristocratic portion of a nation; and that this predominance of power, exists more extensively in monarchies, than in other forms of government. We however find a species of government, under the designation of aristocracy; which is clearly immediately antecedent to monarchy; and which is therefore apparently or really opposed to democracy, or the republican form. According to Montesquieu however,¹ the republican form of go-

¹ *L'Esprit des loix*, liv. 2, chap 2.

vernment may be divided into two classes,—viz. into aristocracy and democracy. In an aristocracy, the supreme power being vested in the nobility, the people become the subjects of the aristocratic portion in the same respect as in a monarchy, but without its advantages. There being then in this form of government an abstraction of political power from the people, it cannot strictly speaking, be a commonwealth, or, which is the same, a republic; since there is not a community of interests between governors and governed. An aristocracy is therefore an imperfect form of government, and one which has apparently, from historical evidence, been but in few instances adopted, and has not been of lengthened duration.

In order to maintain the preceding position, that political power as identified with aristocracy, predominates in monarchies, we must exclude from the aristocratic form of government, the designation of its being comprehended or included in that of a republic or commonwealth; and since as is evident from facts, the abstract and separate existence of the government of an aristocracy is, or has been so very limited in duration and actual existence, we must therefore return to monarchy, and assign to the monarchical form of government, an actual preponderance of aristocratic power.

Although then it may be asserted, that a predominance of aristocratical power exists in monarchies, it is clearly not attended with the same incon-

veniences, or so prejudicial to the interests of the people or the democracy, as in a separate and exclusive government of aristocracy. The reason of this is primarily to be assigned to the circumstance, that both nobility and people are subjects of the supreme power or the sovereign; and secondly, that in the milder forms of monarchy, there exists a more general diffusion of intelligence, and acquaintance with political rights, amongst the several classes, composing the particular community.

In disquisitions on, and explications of practical, and by analogy, theoretical forms of government, that is, on their characteristic features, and the phenomena resulting, which are collectively embodied in, and manifested by the influences these respective forms exert on the whole body of the community,—the first political element presented to view is, that of submission or obedience to the constituted authorities, or “the powers that be.” This deference to, and acquiescence in the authority of the dominant power, is thus of necessity the first link in the innumerable series, by which the whole fabric of government is sustained; and by which its efficiency and energies are maintained and enforced. Thus the various and subordinate degrees of political power, of which civilized communities are composed, emanate from, and centre in one common superior—the head of the state.

According to the varied modifications which this final attribute—power, assumes, the complexion

and character of governments are reciprocally diversified—from the extremes of despotism, to the mildest form of government, and that wherein the greatest portion of civil and political liberty exists.

In relation to the existence of the last named political element, which is indispensably essential to, or is a *sine quâ non* in the organization of well-constituted communities, the following must be admitted to be a just and consistent definition:—

¹ “that *that* people, government, and constitution is the *freest*, which makes the best provision for the enacting of expedient and salutary laws.” This is therefore to be assumed as a political axiom, which is affirmatory of what should constitute the legitimate basis of well directed modes of administration, and *pari passu*, without which attribute these cannot exist,—viz. the existence of a definite and equable portion of civil liberty.

Again, as illustrative of diversities of administration, or of the different forms into which the science of government is resolvable, which forms are so many variations of power, the following is fairly applicable;—² “As a series of appeals must be finite, there necessarily exists in every government a power from which the constitution has provided no appeal; and which power, for that reason,

¹ Paley's Mor. and Pol. Phil. b. 6, c. v.

² Ibid. b. 6, c. vi.

may be termed absolute, omnipotent, uncontrollable, arbitrary, despotic; and is alike so in all countries.

The person, or assembly, in whom this power resides, is called the *sovereign*, or the supreme power of the state.

Since to the same power universally appertains the office of establishing public laws; it is called also the *legislature* of the state.

A government receives its denomination from the form of the legislature; which form is likewise what we commonly mean by the *constitution* of a country.

Political writers enumerate three principal forms of government, which, however, are to be regarded rather as the simple forms, by some combination and intermixture of which all actual governments are composed, than as any where existing in a pure and elementary state. These forms are,

I. Despotism, or absolute MONARCHY, where the legislature is in a single person.

II. An ARISTOCRACY, where the legislature is in a select assembly, the members of which either fill up by election the vacancies in their own body, or succeed to their places in it by inheritance, property, tenure of certain lands, or in respect of some personal right or qualification.

III. A REPUBLIC, or democracy, where the people at large, either collectively or by representation, constitute the legislature."

Each of these primary forms of government¹ have their advantages and disadvantages—these severally operating in “a mixed government,” which² “is composed by the combination of two or more of the simple forms above described;—and in whatever proportion each form enters into the constitution of a government, in the same proportion may both the advantages and evils, attributed to that form, be expected; that is, those are the uses to be maintained and cultivated in each part of the constitution, and these are the dangers to be provided against in each.” (c.)

In these gradations the prominent and almost exclusive feature, is the varied influence and direction of the attribute, political power; which is identical with, and according to its complexion, gives the denomination to forms of government; and which to be legitimate and productive of the most salutary effects, must be based on the collective will of the community—designated the *general will*;—defined by Rousseau,³ as forming, by concentration, the sovereign power. The general will is therefore to be considered as the ultimate power of the state, whence all other species of power are delegations. It follows then, that in exact pro-

¹ Excluding pure Despotism, from which *no advantages* can be considered as accruing to the people.

² Mor. and Pol. Phil. b. 6, c. 6.

³ Inquiry into the Social Contract.

portion to the acknowledgement, and *practical* admission of this paramount principle in political affairs, will be the temperament and character of the particular mode of administration: which is saying, that in proportion to the predominance of this principle, government approaches the nearest to perfection.

It has in the foregoing arguments been deduced as an inference, that the worst species of government which has or can have existence, is that of an absolute monarchy, wherein the majority of a nation, are deprived of the principle of representation, or a delegation of political power. Under the denomination of a purely despotic government however, wherein a single person invested with the supreme power, rules or governs solely according to his will and caprice, without fixed laws, or regular and determinate principles of action or conduct, there are presented the worst effects of tyranny, allied to and constituting despotic power on the one hand; and of ignorance and slavery on the part of the people, or those who are subjected to its fatal influence.

It must be asserted then, that a worse description of government, than this last mentioned cannot exist; and which is in fact implied in its very name, its maintenance or continuance solely depending on the perpetuation of ignorance, or the prohibition of knowledge, in the majority of its subjects; and the perpetual enforcement and exercise of uncontrolled despotic power.

In the arguments that have been advanced in the foregoing chapters, relative to the diverse principles and multiform effects, flowing from the various descriptions of government, that have or may have existence, it has been seen, that a certain degree of uniformity attends each respectively. This uniformity, which is apparent in the various modes of administration, affords the precise data, on which should be and are necessarily founded, political maxims tending to the regulation and conservation of society. In other words it may be asserted, that the phenomena presented to view, in different political societies, or in the governments of different nations, must constitute either examples for imitation ; or, on the contrary, by exhibiting the ill effects of imperfect systems of legislation, and the fatal consequences of despotic or arbitrary power, manifest errors in jurisprudence, and in the forms of civil society, which may therefore be instituted, *nominally*, for its maintenance or conservation, but *really* having a tendency directly the reverse of this, and in the progress of human affairs, actually becoming the prolific principles effecting the subversion and gradual dissolution of the particular community, in whose modes of administration they have been inherent, or to which they are inseparably allied.

There are therefore respectively presented to observation, on the one hand a perpetual degeneracy in political societies, founded on, and actuated almost exclusively, by injudicious, irregular, and imper-

fect codes of legislation, these producing the worst possible effects; and on the other, the beneficent effects attendant on enlightened states of society, wherein the immediate and natural consequences are an unfolding and gradual developement of the essential elements of moral and civil laws, promoting the welfare of individuals, and constituting therefore the efficient bases of national prosperity.

CHAPTER VII.

APPLICATION OF THE PRECEDING GENERAL ILLUSTRATIONS;—OF THE INCIPIENT OR PHYSICAL ELEMENTS OF SOCIETY.

The subjects discussed in the preceding chapters, have been for the most part of a speculative description, respecting which a variety of opinions may be, and are entertained. An attentive investigation however, into the moral and political phenomena, exhibited in the constitution of societies, must clearly afford just inferences and positive data, founded on physical facts.

If by analysis, or by physical, and historical data, inquiry into the origin of society be made, in order to discover its probable and real formation, it becomes apparent, that it is founded in the first instance, on an inherent principle of sociality; and secondly, on the individual wants of mankind, by which they are induced mutually to aid each other;

each of which forms a bond of union:—thus, of the state of nature,

“ Self love and social at her birth began,

“ Union the bond of all things, and of man.”¹

These two principles, of sociality, and the derivation from this, the rendering of mutual aid, are therefore laws of nature, on which the constitution of society is dependent. The immediate and inevitable consequences of such association, or the rendering of mutual assistance, is that of progressive improvement.

This last mentioned attribute, is therefore, equally with the two former, a law of nature, which extends to the minutest ramifications, and constitutes social improvement;—commencing with the simplest physical wants of mankind, and extending through the various branches of the useful arts, to the most complex phenomena of philosophy, or the abstract sciences.

In an historical point of view then, the complex and diversified phenomena of civilized life, being immediately resolvable into the efficient principle of a rendering of reciprocal aid,—which is a direct emanation from the law of association or sociality, a further analysis assigns to the former principle—the rendering of mutual assistance,—the essential qualification of a distribution, or a division

¹ Essay on Man.

of labour. This last named important element, thus in the gradual organization of society generated, is then the efficient source and main-spring of the innumerable advantages possessed by civilized over savage life,—that is, of society in its incipient stage, a state of barbarism.

For illustration, in a rude state of society, each individual, at first insulated from every other, was of necessity, himself compelled to provide for his few and simple wants, his inability to extend his energies beyond the production of these, necessarily confining his acquisitions, and the elements of society, to a very small compass. By dint of genius or of industry however, he gradually formed to himself materials for hunting his prey, for fishing, for agriculture, for clothing, &c. ; and by a law of imitation, other individuals perceiving the utility of these, and becoming in consequence desirous of possessing them, either formed such themselves, or obtained them by a bartering of one article for another. There is thus at once established the principle, of the division of labour,—the workman, in this rude state of society, to form the materials requisite for fishing, hunting, tilling the ground, &c. ; and the individual who applies them to their several uses. Each of these, then, by constant exertion in one routine of employment, obtains expertness therein, his ability becomes extended, and his sphere of action enlarged ; these advantages accruing in like manner to an indefinite number of individuals.

Society being formed, a reciprocity of interests induced reciprocal exertions,—a community of labour producing an augmentation of the resources of the society, whence an appropriation of property resulted; followed by the construction of habitations, villages, towns, &c.

“Great Nature spoke; observant man obey’d;
 “Cities were built, societies were made;
 “Here rose one little state; another near
 “Grew by like means, and join’d through love or fear.
 “Did here the trees with ruddier burdens bend,
 “And there the streams in purer rills descend?
 “What War could ravish, Commerce could bestow,
 “And he return’d a friend, who came a foe.
 “Converse and love mankind might strongly draw,
 “When love was liberty, and nature law.
 “Thus states were form’d.”¹

The formation of tribes, communities, and nations, thus proceeding, the infinite phenomena of societies became gradually developed; whilst surplus productions possessed by different individuals, and the principle of barter, gave existence to commerce, with its various relations;—this being the efficient source of national and individual opulence; and last, although the reverse of least, it being intrinsically considered as the most important, in lieu of the principle of barter or the exchanging of one article for another, for facilitating mutual intercourse and promoting the interests, as well as constituting

¹ Essay on Man.

the vital principle of commerce, arose the invention of the money system, which assumes the precedence and ascendancy of all others; in practical application of the universally felt sentiment of the *auri sacra fames*. The basis of all these advantages, it has been observed, is individual labour; labour or industry being the foundation of wealth and power; whilst the principle of the division of labour, (D) gives existence to the infinitely varied phenomena of civilized society. In fine, for the conservation, protection, and proper direction of these various elements, legislation, or the art of government became gradually instituted;—this commencing from the infancy of societies, and from primary and simple elements, proceeding in the developement of its most complex and diversified intricacies.

The accessory and motive principles, eminently conducing in the organization of society, to its amelioration and welfare, is then the acquisition and extension of the various degrees of physical and moral knowledge;—in the primary instance physical, from its immediate appropriation and subserviency to the promotion of the physical and useful arts; and secondarily, the direct emanations and refined abstractions of moral and mental science; the cultivation of the latter, reciprocally aiding and facilitating the acquisition of the former species of useful and scientific knowledge. The immediate inference from these axioms is, that *the progressive acquisition of, and improvement in knowledge, is inti-*

mately and inseparably allied to the best interests of nations or societies.

As has been remarked then in the previous arguments, it may be repeated, and is evident to demonstration, that every species of coercive restraint imposed on knowledge, and inimical to its cultivation and dissemination, this emanating exclusively from defective laws, and defective systems of legislation, is proportionably injurious to the moral and physical welfare of societies and individuals. These defective principles, although opposed to the laws of nature and reason, exist notwithstanding, in a greater or less degree, in all known governments; and will perhaps on judicious analysis and investigation, be found fully, or more extensively than any other principles, to explain the causes of diversities of administration, from the most despotic, to the more beneficent and milder forms of government; although in these even, such injurious and defective principles, have a definite and proportionate existence and influence.

It must however, in strict conformity with those maxims or axioms, immediately deducible from the natural and moral laws, and in accordance with the foregoing observations, be asserted, that in the progression or advancement of nations towards a state of mature improvement, extending to the minutest elements of civilization or the useful arts, and comprehending the highest refinements of science,—that in proportion to the development of these high

energies, at first more immediately connected with the physical elements of societies or the wants of mankind, and embracing the infinite varieties of the mental phenomena,—that these therefore by proportionably affecting and influencing the character of the moral and social laws, must be productive of a gradual amelioration in the attributes of legislation, from the most vicious and imperfect codes of laws, to the more beneficent and refined. This is sufficiently demonstrated, by a comparison of the general facts or phenomena presented to view, in a free and enlightened community, when contrasted with the adverse character of a form of society, wherein the unpropitious and destructive principles of despotic or arbitrary power, have unlimited existence and influence.

CHAPTER VIII.

APPLICATION OF THE PRECEDING ARGUMENTS TO EXISTING
GOVERNMENTS; REMARKS RELATIVE TO THE PROBABLE
CAUSES TO BE ASSIGNED FOR EXISTING DIVERSITIES.

It is evidently far from difficult, to apply the general observations contained in the foregoing chapters, to existing popular governments. The term popular must here be understood, as referring to existing known governments. If then for instance, we commence with the lowest or worst species of government, we find comprehended under this designation, the government of the Ottoman Empire, including Turkey in Europe and Asia, Egypt, Arabia, &c. (E) Also the government of China,¹ which is allowed to be despotic, or founded on Turkish principles of administration; and the

¹ Volney's Ruins, or a Survey of the Revolutions of E
note z, chap. 14.

Barbary states of Africa ;—these at the present day, severally and collectively exhibit, the fatal consequences of the perverted principles of despotism. To ascend a little higher in the scale, there are next to be classed under the head of absolute monarchy, the kingdoms of Spain, Portugal, Italy, &c. wherein are severally exhibited, the ill effects of unconstitutional or nonrepresentative forms of government. The more beneficent effects of milder forms of government, are exhibited in the respective kingdoms of England, France, and the other rival states of the most enlightened quarter of the globe—excluding those which have been enumerated. For the perception or examination of the principles of the republican form of government, attention must be directed to the New World—North and South America, wherein independently of the United States, recently formed republics, are apparently flourishing under the auspices of reformed and beneficent institutions.

In such a cursory view of existing governments, there are presented to observation, the general phenomena flowing from the principles constituting the dominant modes of administration ; to descend to minute particulars, would therefore be no other, than an investigation of the histories of each respectively ; and would in fact be no more, than additional and invariable proofs, of the existence of a general semblance and identity, in the accompanying series of causes and effects.

Admitting however, that it is *virtually* impracticable, to accomplish a *minute* portraiture and investigation of the infinitely varied phenomena, attendant on the moral, civil, and political circumstances and conditions of existing communities; and even of these, limiting such disquisitions to a select few, to which an ascendancy in the political scale is assigned, it may notwithstanding be assumed, that reflections, in a collateral order, may be indulged in, relative to the peculiar attributes and characteristics of the present, and of recent periods of society, in general.

This is therefore to be assumed, as a blending of the civil and political, and subordinate phenomena of states; to which phenomena is, collectively, by abstraction and transformation, to be assigned, the epithet of *moral*. This then forms, essentially, the subject matter of history.

To illustrate this position it may be affirmed, that, since the aggregate character of any one community, is obviously, to be considered, as formed from all its inherent and prominent phenomena, comprehending the diversified classes of politics, literature, the useful and abstract sciences, and the extent of their cultivation; to which are to be added, the extent of the military and naval professions and discipline; the general qualities of activity or indolence—in other words, of industry and productive power; or the reverse of this,—general imbecility, and the absence of national energy, etc.; to repeat, these diversified series, giving the bias to, and forming

the character of an individual community, and in like manner, by extension, that of several communities, decide therefore the peculiar features and characteristics of an existent, or of an antecedent era.

Amidst this diverse series however, of facts and their phenomena, as being applicable to, and appendants of nations, and of national existence, a *varied* predominance of one or more of the attributes above enumerated, follows as inevitable. Thus for instance, one period of a nation's history, is characterized by displays of military or naval prowess and energy, or of both combined—the era of warfare. At another period, a predominant feature is the cultivation of the peaceful and useful arts; the progress of literature, philosophy, and their benign influences. Again, another period may, and does exhibit the paramount ascendancy of the infinitely varied influences and effects of religious doctrines and dogmas, combining the discordant elements of religious animosities, persecutions, and the numberless evils thence resulting; which, last named elements, are, either productions of, or are produced by, another state of a nation's history—the general absence of moral and intellectual improvement; the prostration of the mental and physical energies of the mass of the community, and the dominant and deteriorating effects of error, superstition, and ignorance:—this being an approximation to the lowest elements of civilization, and assuming the semibarbaric character.

If, instead of a limitation of such reflections as the foregoing, to a single community, they be extended, by analogy, to several communities, and allowing to the law of imitation its full force and influence, the consequences apparent are, therefore, the operation of the same class of phenomena, on a more extended scale.

In applying then, these observations and reflections, to an existing or recent period of society, and more particularly of European society; and in deciding on the peculiar character of such a period, it must obviously be pronounced to have been, first, that of a manifestation of the highest energies of military and naval tactics; combining therefore, the most formidable exhibitions of the destructive attributes and elements of war—whence, incontrovertibly, more ill than good effects have ensued to existing communities. Secondly, it is to be considered, as characterized by formidable displays of national energies, in the advancement and developement of the infinite varieties of the moral, intellectual, and physical phenomena, by extending the boundaries of science—whence a correspondent series of incalculably beneficial effects are produced. Thirdly, it is to be designated as a period, in which extensive civil and political *mutations* have been, and are exhibited; in some instances, and under the influence of propitious circumstances, productive of amelioration and improvement, by the reformation of abuses; the removal of vicious and imperfect laws and

institutions ; and the *introduction* of refined and judicious systems of administration—inducing the existence of a correspondent harmony in the various relations and departments of society :—but, in a reverse picture, and one which unfortunately, too faithfully delineates the condition of the major portion of society, are exhibited, the prevalence, in greater or less degrees, of the innumerable evils lamented, proceeding from, and existing in the excesses of misrule—effecting the diminution and extinction of civil liberty, and as a direct consequence, *engendering* the worst attributes and elements of tyrannic and despotic power.¹

1 According to Mirabeau,* and analagous with the above observations,—“ Politics ought to be the art of regulating the passions of men, and of directing them towards the good of society; but they are too frequently no more than the detestable art of arming the passions of the different members of society against each other, to their mutual destruction, and that of the association which ought to constitute their happiness. They are commonly so vicious and wicked, because they are not founded upon nature—upon experience—upon the general utility ; but, on the contrary, upon the passions—the caprices—**THE PARTICULAR UTILITY OF THOSE WHO GOVERN SOCIETY.**” †

* System of Nature, part 1, chap. 9.

† Who too generally rule with a rod of iron—who trample virtue under their feet, and elevate vice and wickedness into splendour and affluence—who substitute an iniquitous system of SPIES and INFORMERS to the more rational endeavour to cultivate FRATERNITY in society—who render man hateful and suspected by his fellow men, that they may the more securely trample on his rights and his LIBERTY—who substitute lying for truth, and reward perjurers and defamers of honest men—who usurp the title of MASTERS, when they ought to consider themselves, and when they are no more

The immediate inference from these reflections is, that since on the character and complexion of laws and institutions, or systems of government established, the nature and condition of communities are *mainly* dependent, it is to these attention is principally to be directed, for promoting and effecting the amelioration and welfare of mankind, how much soever it may be attempted to be diverted therefrom, by misrepresentation and delusive means.

Research into the causes of the varieties which exist in modes of administration or government, in different kingdoms and in different climates, affords a correspondent variety of complex phenomena, to decide on which involves difficulty, and must consequently produce diversity of opinion. If for particular illustration of the generating and influential causes of despotic government or *Oriental* despotism, the authority of Montesquieu,¹ be adduced, this is almost exclusively attributed to the influence of climate, viz. that of excessive heat, which it is asserted is the immediate generator of indolence, inactivity, and inability of resistance in the subjects of despotic or oriental governments; and in fact it is asserted, that "power in *Asia* ought always to

in fact than SERVANTS to whom is delegated the management of a large family, whose HAPPINESS and WELL BEING should constitute their sole aim and only care.

1 L'Esprit des loix, liv. 17, chap. 2, et seq.

be despotic ;”¹ thus fixing an irremediable barrier to the natural attribute and law of nature and reason, that of progressive improvement in society. This improper and unnatural inference, is certainly ably combatted by Mr. Volney,² the substance of whose arguments is contained in the following quotations, relative to the causes of the general indolence of nations, or the reverse of this,—of activity, and the consequences flowing from the general industry of individuals, as conducive therefore to national prosperity.

On the subject of oriental despotism, it is remarked, that “a celebrated writer, reflecting on what the Greeks and Romans have said of Asiatic effeminacy, and the accounts given by travellers of the indolence of the Indians, is of opinion, that this indolence forms the distinguishing character of the inhabitants of those countries ; pursuing his enquiries into the common cause of this general fact, and finding that all these nations inhabit what are called *hot countries*, he has attributed the cause of their indolence to heat ; and assuming the fact as a principle, has laid it down as an axiom, that the inhabitants of hot countries must necessarily be indolent, inert of body, and from analogy likewise inert of mind and character. He goes even still further ; remarking that unlimited monarchy is the most ha-

¹ L'Esprit des loix, liv. 17, chap. 6.

² Travels in Syria and Egypt, vol. 2, chap. 40.

bitual state of government among these nations; and considering despotism as the effect of the supineness of a people, he concludes, that despotism is as much the natural government of these countries, and as necessary as the climate under which they live. It should seem as if the severity, or, more properly speaking, the barbarity of the inference should have put men upon their guard against such erroneous principles: yet this system has been received with great applause throughout Europe; and the opinion of the author of the *Spirit of Laws*, is become among the most numerous class of reasoners, an authority from which it is presumptuous to differ.

The doctrine of the general indolence of the Oriental and southern nations, is founded on that opinion of Asiatic effeminacy originally transmitted to us by the Greeks and Romans; but what are the facts on which that was built? Were they fixed and determinate, or did this opinion rely on vague and general ideas like the systems of the moderns? Had the ancients a more accurate knowledge of those countries in their time, than we have obtained in ours; and are we justified in founding on their report an hypothesis difficult to establish from our own more minute examination? But, admitting the facts as we receive them from history, were the Assyrians, whose ambition and wars during five hundred years, threw Asia into confusion; the Medes, who shook off their yoke, and dispossessed them; the Persians who, under Cyrus, within the space of

thirty years, extended their conquests from the Indus to the Mediterranean ; were these inert and indolent people ? May we not oppose to this system the Phenicians, who, for so many centuries, were in possession of the commerce of the whole ancient world ; the Palmyrenians, of whose industry we possess such stupendous monuments ; the Carduchi of Xenophon, who braved the power of the *Great King*, in the very heart of his empire ; the Parthians, those unconquerable rivals of Rome ; and even the Jews, who, limited to a little state, never ceased to struggle, for a thousand years, against the most powerful empires ? If the men of these nations were inert, what is activity ?—If they were active, where then is the influence of climate ? Why, in the same countries, where so much energy was displayed in former times, do we at present find such profound indolence ? Why are the modern Greeks so debased amid the very ruins of Sparta and Athens, and in the fields of Marathon and Thermopylæ ? Will it be alleged, that the climate has changed ? Where are the proofs ? Supposing this true, it must have changed by irregular fits ; the climate of Persia must have altered greatly from Cyrus to Xerxes ; that of Athens from Aristides to Demetrius Phalereus ; and that of Rome from Scipio to Sylla, and from Sylla to Tiberius. The climate of the Portuguese, must have changed since the days of Albuquerque ; and that of the Turks since Soliman. If indolence be peculiar to the southern countries, whence is it

that we have seen Carthage in Africa, Rome in Italy, and the Buccaneers at St. Domingo. Why do we meet with the Malays in India, and the Bedouins in Arabia? Why, too, at the same period, and under the same sky, do we find a Sybaris near Crotona, a Capua in the vicinity of Rome, and a Sardis contiguous to Miletus? Whence is it that we see in Europe itself, northern governments as languid as those of the south? If the same effects are observable under directly contrary circumstances, and different effects under the same circumstances, what becomes of these pretended principles? What is this influence of climate? and what is to be understood by activity? is it only to be accorded to warlike nations? and was Sparta when not engaged in war, to be esteemed inert?

But a physical observation has been called in to corroborate this position; and we are told that heat abates our strength; we are more indolent in summer than in winter: the inhabitants of hot countries, therefore, must be indolent. Let us suppose this true, whence is it then, that under the same influence of climate, the tyrant possesses more energy to oppress, than the people to defend themselves?

To give precision to our ideas, respecting the question of activity, a shorter and more certain method than these far-fetched and equivocal reasonings would have been, to have examined the the origin and motives of activity in man. If we

ursue this mode of investigation, we shall perceive that all action, whether of body or mind, has its source in our necessities ; and augments as they increase. We may follow its gradations from the rudest beginnings, to the state of the most mature improvement. In man yet savage, hunger and thirst awaken the first exertions of the soul and body. These are the wants which prompt him to run, search, watch and employ cunning or violence as he finds them necessary : all his activity depends on the means of providing for his subsistence. Is that easily obtained, has he fruit, game, and fish, within his reach, he is less active, since by putting forth his hand, he can satisfy himself ; and being satisfied, nothing invites him to stir, till the experience of various enjoyments has awakened in him desires which become new wants, and new motives of activity. On the other hand, are the means of supplying his necessities difficult to be obtained ; is game hard to be found, and possessed of agility to avoid him ; are the fish wily, and do the fruits soon decay, man is forced to be more active ; he must exercise his body and his mind, to maintain life ; he must become swift like the beasts, wily like the fish, and provident to preserve his fruits ; he must endeavour the improvement of his natural faculties. He therefore bestirs himself, he thinks, he meditates ; he conceives the idea of bending the branch of a tree to form a bow, and pointing a reed to make an

arrow; he fastens a handle to a sharp stone, and procures him a hatchet; he then labours to make nets, to fell trees, to hollow out their trunks, and build canoes. Already has he provided for his most urgent necessities; already the experience of a multitude of sensations has made him acquainted with enjoyments and sufferings; and his activity is redoubled to remove the one, and multiply the other. He has felt the pleasure of being shaded from the heat of the sun; he builds himself a cabin: he has experienced that a skin secures him from the cold; he makes himself clothing: he has tasted brandy, and smoked tobacco, he likes them, and wishes to have more; but to procure them he must bring beaver's skins, elephant's teeth, gold dust, &c. He redoubles his activity, and carries his industry so far as to sell even his fellow creature. In such a progress, as in the primary cause, it must be acknowledged, that activity has little or no connection with heat; only the inhabitants of the north being reputed to stand more in need of nourishment than those of the south, it may be alleged, that they must consequently be possessed of more activity; but this difference in necessary wants, has very narrow limits. The facility of obtaining a great quantity of food, is perhaps a primary cause of voraciousness; and this facility, especially in a savage state, depends less on climate than on the nature of the soil, and its richness or poverty in pasturage, in forests,

and in lakes, and consequently in game, fish, and fruits; circumstances which are found indifferently under every parallel.

From these reflections it appears, that the nature of the soil has a real influence on activity. We must perceive, that in the social as in the savage state, a country, in which the means of subsistence are somewhat difficult to be procured, will have more active and more industrious inhabitants; while in another, where nature has lavished every thing, the people will be indolent and inactive. And this is perfectly conformable to historical fact; for we always find the conquering nations poor, and issuing from lands either barren, or difficult of cultivation, whilst the conquered people are inhabitants of fertile and opulent countries. It is even worthy of observation, that these needy conquerors, established among rich nations, shortly lose their energy, and become effeminate. Such was the case with the Persians, who, under Cyrus, descended from the Elymais, into the fertile fields watered by the Euphrates; such were the Macedonians under Alexander, when transplanted from Mount Rhodope to the plains of Asia; such the Tartars of Djenjis-Kan, when settled in China and Bengal; and such the Arabs so victorious under Mahomet, after the conquest of Spain and Egypt. Hence we may affirm, that it is not as inhabitants of hot, but as inhabitants of rich countries, that nations are inclined to indolence; and this maxim is exactly conformable with

what is observed in society in general, since there is always least activity apparent among the more opulent classes ; but as this satiety and poverty do not exist for all the individuals of a nation, we must recur to reasons more general, and more efficacious, than the nature of the soil ;—viz. the social institutions, called *Government* and *Religion*. These are the true sources and regulators of the activity or indolence of individuals, and nations. These are the efficient causes, which as they extend or limit the natural or superfluous wants, limit or extend the activity of all men."

After this rather lengthened citation of Volney's observations, relative to the reasons to be assigned for diversities of administration, and more particularly, of the extensive differences which exist, between despotic and free governments, it may at first be remarked, that as these differences exist in the governments themselves, their causes are alike to be sought for in the institutions or modes of administration. In other words it may be asserted, that as respects the different conditions, of the subjects of different governments, consequently in different climates,—either of the despotic description, or the milder and more beneficent, the causes of these are to be assigned to the "social institutions, called *government* and *religion* ;"—in strict accordance with which inferences, are the observations contained in the preceding portions of our investigation.

Agreeably then to the observations contained

in the preceding chapters, and as conformable with real and physical facts, we find, that the character of any government is proportionably influenced by the general activity, or indolence and inactivity of its subjects. A general langour or inactivity apparent amongst the subjects of any state, is found to be inseparably allied to the despotic form of government, and exhibiting the last excesses of tyranny.

Having however traced this subject, viz. as regards the origin and causes of despotism, to its definite limits, a further discussion of it may be dispensed with, deducing this inference, that all inciting causes, tending to the production and continued existence of individual and national activity, or the developement of the social arts and phenomena, demand and deserve every possible encouragement both on the part of governors and governed; and that therefore, all obstacles which are found opposed to the attainment of this specific end, should meet with the earliest possible abrogation, and this it consequently falls within the province of legislation to accomplish.

BOOK THE SECOND.

OF THE BASES, AND PROPER OBJECTS OF LEGISLATION.

Chaque nation doit se gouverner selon le besoin de ses affaires et la conservation du bien public.—Fr.

CHAPTER I.

OF PRIMARY LAWS.

Under the designation of primary laws, are comprehended the laws of nature, which constitute the inseparable and unalterable bases of those established among mankind. From these must necessarily emanate, all those gradations of laws, which have existence in human society; comprehended under the designation and attributes of justice, and of reason,—allied to, and identical with the laws of nature.

The following are the definitions given by

Montesquieu,¹ relative to laws in general,—“Laws in their most general signification, are the necessary relations resulting from the nature of things. In this sense all beings have their laws, the Deity has his laws, the material world its laws, the beasts their laws, man his laws.

There is then a primitive reason; and laws are the relations which subsist between it and different beings, and the relations of those beings among themselves.”

The laws of nature having the preeminence and precedence of all other laws, should therefore in the gradations of society, be admitted as being of paramount authority to all others. If the general phenomena however presented in the constitution of societies be consulted, it will be seen, that this maxim which is directly deducible from the natural law, has not received that sanction and importance which it demands. It will also be apparent, that in proportion as governments have and do deviate from these primordial principles, the constitution of any society is or has been proportionably bad,—the condition of its members being reciprocal or analogous with it.

In all societies or political communities, from the rudest to the most civilized and refined, there are found established systems of worship or dominant systems of religion; and to these as of paramount

¹ *L'Esprit des Loix*, liv. i, chap. 1.

authority, the highest degrees of deference are exacted and paid. The laws or sanctions of religion, having the ascendancy and preeminence assigned them, all other descriptions of laws are considered as subordinate, or of inferior influence. The laws of nature and reason, are thus either attempted to be, or are brought into subjection to the dominant systems of theology; although if the laws or sanctions of religion be considered as abstracted from those of nature and reason, they must in reality become destitute of all civil effect.

There exists then the incontrovertible fact, that the laws of nature and reason are preeminent and paramount; and should have the precedence of all other laws.

In a chapter on the relative merits and attributes of legislators and laws, and of these as connected with religious rites and ceremonies, Rousseau¹ pays some deference to the laws originally instituted by the Jewish legislators, and more particularly those of the legislator Moses. These laws forming the bases of the dominant systems of theology, throughout the world, have attained therefore the ascendancy over all others, as recognized in their civil and political effects; their primary and most important injunctions however, being inseparably allied to the religious dogmas inculcated. The eulogium bestowed by Rousseau on the Jewish institu-

¹ Du Contrat Social, liv. ii, chap. 7.

tions as forming the bases of existing laws, is therefore founded in truth, and consonant with facts. It is justly remarked, that "De vains prestiges forment un lien passager ; il n'y a que la sagesse qui le rend durable ;"¹ to which is added "La loi Judaïque toujours subsistante, celle de l'enfant d'Ismaël qui depuis dix siècles régit la moitié du monde, annoncent encore aujourd'hui les grands hommes qui les ont dictées ; et tandis que l'orgueilleuse philosophie ou l'aveugle esprit de parti ne voit en eux que d'heureux imposteurs, le vrai politique admire dans leur institutions ce grand et puissant génie qui préside aux établissemens durables."²

It must however be admitted, that l'orgueilleuse philosophie discovers in the bases of religious dogmas, a dissonance or deviation from the laws of nature ; on which laws are however founded, or are recognized as emanating from them, the principles of a true theism, on which all other laws are necessarily and unavoidably dependent.

¹ Illusions can form but transitory institutions, it is wisdom alone that must render them permanent.

² The Jewish laws have always subsisted ; and, after governing so large a part of the world for ten centuries, proclaim at this day the wisdom of those men by whom they were dictated : and, while the pride of philosophy, and the blindness of party prejudice, will see in these men only fortunate impostors, the true politician admires in their institutions that great and comprehensive genius which presides in durable establishments.

CHAPTER II.

ON THE RELATIVE MERITS OF DIFFERENT SYSTEMS OF RELIGION; AND OF THE LAWS EMANATING FROM THEM.

In a chapter on *la Religion Civile*,¹ or a civil religion, Rousseau distinguishes three sorts of religion which exist amongst mankind, or enter into the constitution of societies; which is illustrated in the following quotations. After a comparison of the dogmas of Paganism, and its effects amongst ancient nations, with the dogmas inculcated, and civil effects flowing from the establishment and predominance of Christianity throughout the world, it is remarked, that “ religion, considered as connected with society, is either general or particular; and may be divided into two distinct species—the religion of the man, and the religion of the citizen. The former, without the pomp of temples, of altars, or of rites; limited to the pure internal worship of God

¹ *Du Contrat Social*, liv. iv, chap. 8.

supreme; and to the discharge of those moral duties which reason alone enjoins, is the pure and simple religion of the gospel, the true theism; and what may be justly called the natural divine law. The other, calculated only for one people, gives them their gods and their patrons; and, has its dogmas, its rites, and its external worship, prescribed by the laws.

Beyond the boundaries where this religion prevails, its followers consider every human being as a stranger, an infidel, a barbarian; and will not allow the duties and the rights of men to extend beyond the precincts of its altars. Such were, in the first ages, all the religions to which men gave the name of law, divine, civil, or positive.

There is still another and a more extravagant kind of religion, which giving to mankind two legislations, two chiefs, and two countries, requires from them contradictory duties; and prevents their being devout men and citizens at the same time. Such is the religion of the Lamas, such is also that of the Japanese, and such is the Roman Catholic religion. The latter may be called the religion of the priests; there results from it a sort of mixed and unsocial duty, which has not a name."

It is further remarked that "in considering politically these three religions, it is apparent they all have their defects. The third in particular is so evidently bad, that it would be losing time to demonstrate its evils. Whatever breaks the social

union is objectionable; and all institutions, which create duties contradictory to the designs of nature, should be deemed of no effect.

The second of these religions possesses some claim to approbation; because it unites with the worship of the Divinity, a love of the laws; and by making their country the object of men's adoration, it teaches them, that to serve the state, is to serve the deity who presides over it. This is a species of theocracy, which allows of no pontiff but the prince, or any priests but the magistrates.

But this religion is also evil; because, as it is founded in error and falsehood, it deceives mankind, renders them credulous and superstitious, and obscures the true worship of the Deity with vain ceremonies. It is likewise evil, when, becoming jealous and tyrannical, it makes the people sanguinary and intolerant, to such a degree, that they breathe nothing but massacre and murder; and believe they perform a righteous action in killing every person who will not bow to their gods. This spirit of religious fury places men in a state of natural warfare with all other people, and must be extremely injurious to their own safety."

After further remarking on the principles or characteristic effects flowing from Christianity viewed in connection with political affairs, Rousseau proceeds, "but leaving apart political considerations let us return to equity or right; and lay down some fixed principles on that important point.

The right which the social compact gives the sovereign over the subjects, extends no further than is necessary for the general good ; no sovereign can therefore have a right to control the opinions of the subjects any further than as these opinions may affect the community. It is of consequence to the state, that each of its citizens should be of such a religion as will dispose him to perform his duties : but the dogmas of that religion interest neither the state, nor the members of the state ; except as far as they affect morality, and those duties which the professor of it is required to discharge towards others. Every individual may, while he does not suffer his religious tenets to lead him into any action, or any omission, which may be injurious to others, entertain what opinions he pleases, without being controlled in them by the sovereign ; who having no jurisdiction in the other world, has no concern with the situation of men in a future life, provided they are good citizens in the present one."

From the above arguments the following inferences are deduced, in concluding the chapter from which the quotations have been taken. It is stated, " there is then a profession of faith purely civil, the articles of which it is the business of the sovereign or supreme power to arrange ; not precisely as dogmas of religion, but as sentiments conducive to the well being of society ; and without which it is impossible to be either a good citizen or

a faithful subject.¹ Without being able to compel any individual to believe them, it can banish from the state whoever believes them not; it can banish any one not as being impious but unsociable; because incapable of being sincerely attached to the laws and justice; or even if necessity required it, of sacrificing life to duty. (F)

The dogmas of the civil religion ought to be simple, few in number, announced with precision, without explications or commentaries. The existence of the Deity, all-powerful, wise, and beneficent; provident and omniscient; an expectation of a future life, where the just will be rewarded, and the wicked punished; and a firm confidence in the sanctity of the social contract and the laws. The renunciations of this creed are confined to one single object,—viz. intolerance, whose spirit is only congenial to the religions which we exclude.”

Thus far we have the substance of Rousseau's arguments on the principles of what is termed a civil religion, which should have a paramount ascendancy in societies. These arguments in their general facts, and the application of them, are judi-

1 When Cæsar was pleading the cause of Cataline, he endeavoured to establish the dogma of the mortality of the soul. Cato, and Cicero, in the arguments they employed to confute him, did not reason as philosophers; but contented themselves with shewing, that Cæsar spoke like a bad citizen, and advanced a doctrine *pernicious* to the state. They acted very properly in doing so, because it was in *that* light that the Roman Senate was to judge the point, and not as a *theological* question.

cious, and strictly consonant with the attributes of justice and equity.

In the illustrations given however, the laws of human convention, or of civil policy, are apparently not sufficiently based on the primordial principles and laws of nature; in other words, these primary laws, have not assigned to them that importance which a comprehensive inquiry into the science of legislation or government, imperatively demands.

The social contract, or bond of society, is, according to Rousseau, solely founded on the laws of convention, and not on those of nature, as stated in the following quotation: ¹ “the social order is a sacred right, which serves as the basis of all others; yet this right is not derived from nature, it is then founded on conventions.”

In an historical point of view, this maxim is unquestionably conformable to truth, since primary societies must have been founded on mutual conventions, established between their constituent members. It admits however of demonstration, that the formation of societies exclusively on such bases, is or has been the source of error, and imperfect systems of legislation; since in these laws of convention, have not been embodied and recognised, the primordial principles and laws of nature.

The efficient and definite causes of this virtual abstraction in civil policy or jurisprudence from

¹ Du Contrat, liv. i, chap. 1.

the laws of nature, which the general testimony of history evinces to have been a predominant feature in governments, consists in the fact, that the developement and practical application of these laws, in reality forms a science of considerable extent and difficulty. Such a developement of these principles or laws is therefore intimately connected with, and dependant on the progression or advancement of communities in intellectual science; or in the refinements and abstractions of the mental phenomena.

CHAPTER III.

OF THE LAWS OF CONVENTION, AND LAWS OF NATURE.

In further illustration of the positions assumed in the preceding chapter, relative to the laws of convention on the one hand, and those of nature on the other, it may be remarked, that in order to obtain just views and definitions of the first description of laws, it is necessary to ascend to the institution or infancy of societies. At such an early period therefore, there is presented to view, or rather to consideration, a state of barbarism amongst mankind, to emerge from which, requires a lapse of time; and involves the progressive developement of physical and mental energies.

An important distinction clearly subsists between the laws of nature, and the laws of convention. The former description of laws,—those of nature, are in themselves immutable; whilst, on the contrary, those of convention are subject to,

and experience continual changes. It follows then, as an inference, that it is, in an extensive degree optional with governments or societies, to admit either the laws of convention or those of nature, as the main bases of their regulations. Hence also is deducible, the incontrovertible axiom, that in proportion as the laws of convention are blended with, and assimilate to those of nature, modes of government or administration, approach the nearest to perfection.

It has been observed, that in order to obtain just views and illustrations of the laws of convention, the probable facts and circumstances attendant on, and connected with the infancy of nations, should be appealed to. In such a state, prior to the enactment or institution of any description of laws, the sensations men experienced were their exclusive guides and incentives to action:—which is a state of barbarism; the sensation of hunger, impelling them to seek food; and of cold to provide clothing, &c. In thus endeavouring to supply their several wants, men also experienced their individual weakness; and by an inherent principle and law of sociability, united themselves into society.

In proportion then as their desires were gratified, and property accrued to individuals, the more readily to obtain these, mutual injuries, and infringements of each other's possessions, became an obvious consequence. To counteract the evils and discordances thus resulting from reciprocal injuries, a sense of justice, and of deference to common

rights, was felt to be indispensable. The application of the principles of justice and natural right, and certain decisions consequent thereon, were thus the origin of laws and government.

For the better administration of the laws, thus established, chiefs or governors were appointed; and to these a delegation of power resulted:—and from the mutual observance of the principles of equity and right between the several members of the same community, emanated a reciprocity of interests, and reciprocal harmony.

In the primary instance, then, men being guided by their sensations, were directed by laws of nature, which they blindly followed, and in the formation of society, conventional laws necessarily originated.

Amidst beneficent institutions and modes of administration, however, thus in process of time established, vicious and imperfect codes of laws became generated. The causes to which these are to be attributed are,—first, the complication and immense diversity of interests which existed amongst the individuals of the same society, rendering the demarcation of civil rights, and the equitable administration of laws, a work of great difficulty;—secondly, the absence of a requisite delegation of power, which by its concentration within the hands of a few, might enable them the more readily to legislate for the many;—and lastly, tyrannical usurpations of power, which by infringements on the *vir-*

tually inalienable rights of the community, and by the imposition of defective laws, founded on error, on the popular credulity, &c., perpetuated those laws, in the innumerable disguises which despotism assumes.

Such a process of reasoning would, however, justify the assumption, that subsequent societies, and succeeding periods in the civil and political states of the same society, would necessarily become worse than the preceding; and this militates against the natural law of progressive improvement: that this however, in the majority of instances, is conformable to fact, the records of history sufficiently demonstrate.

Where then, it may be asked, are defective laws, and inefficient modes of legislation to terminate? An answer to this question would imply an appeal to the authority of the people, whose collective voice comes under the designation of the general will. Another question hence arises,—viz. in what manner does, or should the general will express itself; and what are the degrees of deference, which are or ought to be paid to it? This question clearly involves a consideration of the conduct and duties of the delegates or representatives of the people, who in their legislative capacities are, or should be, the echoes of the general will.

But it may be asked,—in the existing civil policy of nations, are those distinctions which have been assumed, recognized as real and motive prin-

ciples of legislation, and admitted to have a definite and a legitimate character? It is clear, that, with very few exceptions, this question, in conformity with fact, admits only of a negative reply;—since in the major part of existing civil and political institutions, and in the complex character of these, the primary and essential elements of societies are lost sight of. The inferences therefore are, that existing conventional laws, are for the most part, in reality opposed to those of nature;—that they are inimical to the interests and welfare of the people;—and that their consequent tendencies are, the depreciation of the energies of a nation,—of its greatness and power:—thus occasioning a proportionate diminution of the prosperity, moral welfare, and happiness of the community.

That the data herein assumed, relative to the injurious consequences flowing from vicious and imperfect principles of administration, are in strict accordance with the moral, civil, and political phenomena exhibited in the constitution of societies, existing states of society unfortunately, too plainly demonstrate. In these gradations, there is therefore clearly apparent, an alienation of, or a deviation from those laws and principles which equity and reason prescribe for the more perfect regulation of societies; and which are comprehended in, and founded on the attribute of justice.

Thus the distinctions subsisting between conventional laws, and the laws of nature are, that the

ded with religious institutions and doctrines, whence they are assumed to have been immediately derived. By assigning them exclusively to such bases, it is clear that they partake of an equivocal character. The almost infinite varieties which religious distinctions engender, impart to moral distinctions, a correspondent diversity. The natural effect of such extenuation, is therefore to weaken their influence;—this principle may obviously account for the inconsistencies, extravagances, and crimes, which the followers of particular systems of religion, consider themselves justified in committing. Numberless instances exist, and the records of history alike supply innumerable details, of the lamentable consequences flowing from the infraction and perversion of the laws of nature and reason; and the suspension of the principles of humanity and justice;—these evils, in the majority of instances proceeding from religious fanaticism, and the degrading and deteriorating effects of superstition and ignorance.

To trace the principles and minute elements inherent in, and constituting the wide range of moral science, to their definite and diversified sources,—these combining the whole extent of the individual and social duties, by which mankind are united in society,—requires extensive developement, and judicious exposition. These however, already existing in their theoretical and practical developements, require the less illustration; and it

s consequently, their perversion which principally demands minuteness of detail; at the same time that we are to assign to themselves a legitimate basis.

According to Mirabeau,¹ "moral duties are the means of which experience and reason point out to us the necessity that we may arrive at the end which we propose to ourselves: these duties are a necessary consequence of the relations subsisting between men, who equally desire the happiness and the conservation of their being. When they say that these duties compel us, that only signifies, that without taking these means, we could not be able to arrive at the end which our nature proposes to itself. Thus moral obligation; is the necessity of employing the natural means to render the beings with whom we live happy, to the end that we may determine them to contribute to our own happiness; our obligations towards ourselves are the necessity of taking those means, without which we should not be able to conserve ourselves, nor render our existence solidly and permanently happy. Morals, like the universe, are founded upon necessity, or upon the eternal relation of things."

From the reasoning which has been advanced, and in conformity with the principles of society, it is clear, that the direct object of good government, and that which ensures its supreme authority, is the

¹ System of Nature, part 1, chap. 9.

conservation of the public morality ;—extending consequently to the minutest elements of civilized life ; for

—*Quid leges sine moribus*

Vanæ proficiunt ?

Hor.

It does not however require enlarged penetration, or subtle and abstract reasoning, to discover the true bases of moral laws. That the principles of morality are identified with the very essence and constitution of societies, and are, in a primary sense, inseparably inherent in the organization of mankind, are truisms which cannot be controverted.

In the wide sphere of moral science, in common with all other sciences, but which of all others, is doubtless the most important, a number of self-evident truths have existence. To discover these moral truisms, and apply them to their definite and appropriate objects ; or, in other words, to allow them the most extensive and beneficial sphere of influence and agency, is to conform the more nearly to the highest and best principles of humanity ;—correlative with, and constituting moral and social duty.

It is then at once manifest, that this complicated sphere of action and duty resolves itself into two distinct and leading branches of social life,—the one constituting the diversified and complex elements of Legislation ;—and the other forming the important and delicate art of Education. The last named being the first in importance, as claiming

the priority, since its professed object is, to foster and direct the latent and the best principles of human nature, into their proper channels ;—this commencing from infancy, and effecting the gradual developement of the natural and acquired faculties, and by due cultivation, enlightening the members or citizens of the community ;—and the other, legislation, availing itself of the ample resources which a well constituted community affords, for the regulation and conservation of its complicated interests ;—its efficient strength, that is the majority of its members, designated as the people, forming at the same time, a safe-guard against the encroachments of power.

Having then assigned to moral laws a definite basis ; and having seen their intimate association with, and emanation from the laws of nature, viewed in connection with the physical organization of mankind and society, it unequivocally results, that a definite and unerring standard must exist, for the decision of what constitutes moral rectitude, or its opposite, that is, of right and wrong, as applied to moral actions or conduct. This must be admitted to have its primary source in sentiment or feeling ; and to be founded rather on intuition, than on a process of reasoning ; although the supreme attribute of intelligence—reason, must be allowed, as confirming and approving, or the reverse of this, of all that comes within the sphere of moral conduct and discipline.

To pursue this subject to an analysis and consideration of the various moral and social duties,—these being synonymous with whatever tends to the amelioration, conservation, and regulation of society,—would obviously include lengthened enumeration and minute disquisition, on the several virtues of justice, benevolence, sincerity, humanity, and their derivatives; the first and principal of these, from which all the others emanate, being the attribute of justice; (G) which is itself derived from three inseparable attributes of mankind, viz.—equality, liberty, property, which are inalienable ordinations and laws of nature, as applied to man.

Leaving however such minute digression, we may proceed with an analysis of the primary distinctions of right and wrong; or of the several attributes of truth and error.

CHAPTER V.

ON THE EXTENT, LIMITATION, AND INFLUENCE, OF THE OPPOSITE PRINCIPLES OF TRUTH AND ERROR, IN THE MORAL, CIVIL, AND POLITICAL PHENOMENA OF SOCIETIES.

To define the limits of truth and error, that is, to ascertain what is precisely truth and its adverse principle, in the wide range of moral duty, is universally assumed as being of paramount importance;—this has however innumerable and almost insuperable obstacles, and an extensive sphere of difficulty to encounter. Notwithstanding the predominance of a professed adherence to truth amongst mankind, it is incontrovertible, that a preponderance of error exists, and is productive of correspondent evils in society. That error is in fact the primary source and parent of those ills, universal experience demonstrates. The converse of the proposition is consequently, that truth and its prevalence, must be productive of correspondent beneficial effects to

mankind ; and is the direct source, whence the felicity of individuals and of societies must emanate. At this point then, commences the union of religion with morality ;—religious doctrines and precepts, being assumed as indisputably the first in importance ; and as prescribing the limits of moral duty. Here however is presented to view, an extensive arena of conflicting opinions, habits, and prejudices, —all reciprocally influencing and influenced by the almost infinite variety of customs, manners, and laws, which pervade the whole mass of human society.

That this extreme diversity is incompatible with the unity of truth, is incontrovertible. This maxim being admitted, to apply it notwithstanding in a rigorous sense, to the customs and prejudices of any one community, would amount to a palpable infringement of a requisite degree of freedom, which must be assumed as being the ultimate perfection of legislation.

It has been asserted, and is conformable to fact, that error, and its concomitant, ignorance, are the main springs and radical causes, of the various evils which afflict society. To unite in the praiseworthy endeavour to dispel the mists of error, is therefore, to promote the interests and welfare of mankind. But to this, as has been remarked, are opposed the various habits, prejudices, and passions of men. The easy descent into, and adoption of error, rather than the pursuit of, and rigid adherence

to truth, may account for the universal prevalence of the former. In taking a comprehensive view of society, which is the only consistent method, for the perception and explication of the moral and political phenomena, it is clear, that, admitting the prevalence of error, and its injurious consequences, the most formidable species are those which may be termed political errors, or erroneous and defective systems of legislation. This description of error, which is unquestionably the most injurious to society, unfortunately, of all others, the least admits of palliatives. The secret and imprudent policy of those, on whom the administration of the laws, and the destinies of a nation depend, is rather to persist in a course of error, to blind mankind to their real interests, than to undeceive them, and encourage them in the promotion of whatever tends to the welfare of society.

There is here then presented to view, the existence of two hostile descriptions of interests, engendered in the moral and social elements of the same society,—viz. the interests of the governors, and those of the governed. The attribute of political power, and its concomitants, being necessarily inseparably allied to the former, the gratification of their immediate interests, at the expense of those who are their inferiors in the political scale, follows as an inevitable consequence. This must be understood, as having existence under certain restrictions and modifications.

The almost universal deference paid to antiquity, in whatever relates to the administration of laws and government, is unquestionably a fruitful mean for sanctioning the various abuses of power. Political errors, and injurious maxims of civil policy, which have been engendered, and exert their baneful influence, in any community, are thus confirmed, and rendered the more difficult of removal by length of duration.

Having seen then the superior advantages of truth, its utility and beneficial tendency to society, it unequivocally results, that amongst the various classes of moral duties, which are of necessity imposed on mankind, the discovery of, and adherence to truth, ranks amongst the foremost. This induces the question, what is truth? as applied to any class of phenomena, or, minute research and disquisition. A reply to this question would necessarily be, that truth must have a definite existence somewhere;—that it is conformed to the order of nature; and that an inseparable analogy, in reality, subsists between physical, that is natural laws, and the laws of morality.

To supply illustration of the process adopted in the acquirement of truth, from the analogies afforded in the investigation of natural and experimental phenomena,—the first indispensable attribute of the mind, which is apparent, is that of experience. This then requires extended observation, and induction from general and particular pheno-

mena. From the observation and comparison of any class of natural, and by analogy of moral phenomena, and of effects produced, knowledge is acquired;—their modes of action are rendered familiar; and the attendant consequences known by anticipation. All science is thus based on the induction of general from particular phenomena;—general axioms and maxims are deduced;—comprehensive systems of rules are formed, and their applications understood. The attainment of truth, is thus identical with the acquirement of knowledge, which is founded on experience, and a perception of the mutual relations of things.

This, which may be termed the synthetical and compounding principle of the mental phenomena, is dependant on, and designated as, reflection; which is that quality and power of the mind, by which it reflects on, and modifies ideas, received through the medium of sensation. Primary, and what are termed simple ideas, being derived immediately from sensation, are thus necessarily, more easily allied to, and conformable with truth, having their prototypes in external and natural objects, than the more refined and complex abstractions, to which the combinations of simple ideas give rise. These distinguished characteristics of the mental phenomena;—viz. the infinite varieties and combinations resulting from the operations of the intellectual powers, may thus at the same time, be rendered sources of error. In the first instance, because the complex ideas formed,

have no longer analogous prototypes existing in nature;—secondly, from the force of imagination, which having no limits to its combinations of unreal and fantastic images, generates ideal representations, of what to use the language of metaphysical science, are absolute *non-entities*; and which therefore to endow with

“ a local habitation and a name,”

is direct error.

Although the perversion of the imagination is thus rendered a source of evil in society,—from undue and improper excitement of the passions,—from an erroneous bias given to, and influence on opinion, whether public or private;—and as a consequence, by inducing actions injurious to the public weal:—yet, when well directed, the imagination becomes a fruitful source of moral and intellectual gratification, and forms the basis of the most considerable charms and enjoyments of social life.

The above being somewhat of a metaphysical digression, may be assumed as having the less relation to politics, and the forms of civil society;—to return then to a reconsideration of these diversified elements, it may be remarked, that to depict the political relations of society such as they are, to

“ catch the manners living as they rise,”

and by contemplation of the corruptions of government, and the abuses of power, to point out what methods ought to be pursued and remedies applied,

to ensure and increase the welfare and happiness of the community, by lessening the extent of physical and moral evil, are objects of the first importance, and well worthy of attention. In the endeavour to effect these desirable ends, in any one community, existing data must of necessity be acted on, and the reformation of abuses, although by slow degrees, attained ;—the detection and exposure of political and moral errors, assisted by, and forming a renovated and enlightened state of the public opinion, being the basis and ground work of the superstructure,—viz. the benefits to, and amelioration of society, anticipated, and progressively realized. This amelioration and reformation of ills, is found to be progressive in every enlightened community, nevertheless, adverse principles are, generally speaking, found to predominate ; these being acted on, and maintained by the sophistries and fallacious arguments of those, who for the gratification of their immediate and private interests, are willing to sacrifice the more general and important good of the community.

Having then descanted on the general phenomena of truth and error, and on their relative influences on the forms and attributes of society ; and having seen the indubitable and superior advantages of the former, but the unfortunate and greater prevalence of the latter, in the major part of the maxims and forms which direct the moral, civil, and political relations of social life, (H) this part of the subject

may be dismissed, and we may proceed from the more general terms, and from the reasoning which has been advanced, to the consideration of the essential bases and elements, on which nations are dependant.¹

¹ In illustration and confirmation of the foregoing arguments and observations, the following may be adduced from Mirabeau * as being directly applicable to the subjects treated of. It is remarked, that " Politics to be useful, should found its principles upon Nature, that is to say, conform itself to the essence and the end of society: this being only a whole formed by the reunion of a great number of families and individuals assembled, that they may procure for themselves, with greater facility, their reciprocal wants—the advantages that they desire—mutual succours—and, above all, the faculty of enjoying in security those goods, which nature and industry can be able to furnish them with; it follows of course that politics, destined to maintain society, ought to enter into its views, to facilitate the means, and to avoid all those obstacles that could be able to counteract them.

Men in drawing near to each other, to live in society, have made, either formally or tacitly, a Covenant by which they have engaged themselves to render services the one to the other, and to do nothing that can be prejudicial to each other. But as the nature of each man causes him to search at every moment for his well-being, in the gratification of his passions or of his transitory caprices, without any regard to his fellow men, there needed a power to conduct him back to his duty, to oblige him to conform to it, and to recall to him his engagements, which his passions were frequently able to make him forget. This power, is the Law; it is the collection of the will of the society, re-united to fix the conduct of its members, or to direct their actions in such a manner that they may concur to the end of their association.

But as society, more especially when it is very numerous, is not capable of assembling itself, but with great difficulty, and cannot without tumult make known its intentions, it is obliged to choose

* System of Nature, part i. chap. 9.

CHAPTER VI.

OF THE ESSENTIAL AND PHYSICAL ELEMENTS OF NATIONS.

The primary elements on which the political existence of nations is founded, and by which they subsist, are population, taxation, commercial relations, and defensive power. These, theoretically and politically considered, are found to generate great

citizens in whom it places a confidence; it makes them the interpreters of its will—it renders them the depositaries of the power necessary to carry it into execution. Such is the origin of all GOVERNMENT, which to be legitimate can only be founded on the FREE CONSENT OF SOCIETY, without which, it is only a violence, an usurpation, a robbery. Those who are charged with the care of governing, call themselves Sovereigns, Chiefs, Legislators, and according to the form which society has been pleased to give its governments, these are called Monarchs, Magistrates, Representatives, &c. Government only borrows its power from society, and being established for no other purpose than the welfare of this society, it is evident that it can revoke this power whenever its interest shall exact it,—change the form of its government—extend

diversity of opinion. Increase and even excess of population, is for instance, by some asserted to be conducive to national prosperity and power; whilst such excess is by others regarded, as a political and moral evil, productive of national poverty and individual distress. The latter decision on the effects resulting from excess of population, by assigning to it a preponderance of the physical evils of societies, is found to be a convenient doctrine, and generally espoused by the partizans of power. It appears, however, on judicious observation, that the real causes of national distress are more naturally assignable to an excess of taxation, and a depreciation in commercial relations.

or limit the power which it has confided to its chiefs, **OVER WHOM IT ALWAYS CONSERVES A SUPREME AUTHORITY**, by the immutable laws of Nature, which wills that the part shall always remain subordinate to the whole.

Thus sovereigns are the ministers of society—its interpreters—the depositaries of a greater or less portion of its power, and not its absolute masters, nor the proprietors of nations. By a covenant either expressed or implied, these sovereigns engage themselves to watch over the maintenance, and to occupy themselves to the well-being of society; it is only upon these conditions that society consents to obey them. No society upon earth ever was able or willing to confer irrevocably upon its chiefs the power and the right of injuring it. Such a concession—such a compact would be annulled and rendered void by Nature, that wills that each society, the same as each individual of the human species, shall tend to conserve itself, and shall not be able to consent to its permanent unhappiness or misery.

The laws, in order that they may be just, ought invariably to

It is on reflection, sufficiently manifest, that the ratio of population determines the extent of national power. This principally applies to the number of the male population,—that is, to the efficient forces, which a government can command, for the defence of the community. In accordance with this principle, it may be asserted, that extent of territory, by allowing the existence of a more numerous population, must therefore, in any nation possessing such advantages, attach to it a greater degree of physical power. This must, to a certain extent, be admitted, as consonant with fact; a number of accessaries are, however, clearly wanting, to determine the superiority.

have for their end the general interest of the society, that is to say, to assure to the greatest number of citizens those advantages for which they have associated themselves. These advantages are **LIBERTY, PROPERTY, SECURITY.** **LIBERTY** is the faculty of doing for his own peculiar happiness every thing that does not injure or diminish the happiness of his associates; in associating themselves, each individual has renounced the exercise of that portion of his natural liberty, which could be able to prejudice or injure the liberty of others. The exercise of that liberty which is prejudicial to society, is called licentiousness. **PROPERTY** is the faculty of enjoying those advantages which labour and industry have procured to each member of the society. **SECURITY** is the certitude and assurance that each member ought to have, of enjoying in his person, and in his property, the protection of the laws, so long as he shall faithfully observe his engagements with society.

JUSTICE assures to all the members of society the possession of those advantages or rights which are related to them. From whence we see, that without justice, society is not in a condition to

Revenue or taxation, for instance, ranks next in order to an efficient population. The amount of taxation, constituting the revenue of a community, is directly dependant on the aggregate wealth of such community. This indispensable requisite to the existence of political communities—taxation, operates with various degrees of influence on their constituent members. The higher class of a nation, who are more nearly allied to the government, and participate in its functions, are mainly dependant on the inferior classes,—viz. the middle and lower classes of society.

In the gradations of society, labour is principally supplied by the lower classes, and taxation or

procure any one happiness. Justice is also called **EQUITY**, because by the assistance of the laws, made to command the whole, she reduces all the members to a state of **EQUALITY**, that is to say, prevents them from prevailing the one over the other, by the inequality which nature or industry can be able to make between their different powers.

RIGHTS are every thing which the equitable laws of society permit its members to do for their own peculiar felicity. These rights are evidently limited by the invariable end of all association: society has on its part rights over all its members, by virtue of the advantages which it procures for them, and all its members have a right to claim and exact from society, or its ministers, those advantages, for the procuring of which they live together in society, and in favour of which they have renounced a portion of their natural Liberty.—It is Liberty, Property, Security, that renders our country dear to us, and it is the love of his country that forms the citizen."

money, the representative of labour, by the intermediate classes ;—from this it is evident, that excess of taxation, bears the most oppressively on that part of the community, in whom the commercial interests are vested. Depreciations in one of the most efficient sources of a nation's prosperity,—its commercial relations, are therefore directly attributable to unjust and excessive taxation : (1) this, finally, proceeding from impositions of defective laws, and injudicious principles of administration.

Without recurring to the sophistries and unnatural maxims of those, who assign the physical evils of a nation to a disproportionate and excessive population, it is manifest, that the real causes of such evils are more justly assignable to the impolicy of its rulers.

The direct object of taxation, is, the conservation of the community, by supplying the government with those resources which enable it to command and maintain an efficient force,—constituting defensive power. A strict adherence to the principle of equity between a government and its members would therefore be productive of an exact proportion, in the amount of taxation levied on the community, and the exigencies of the state. Its infringement of this rule, as has been seen, is the direct cause of the evils lamented, in the shape of individual and national distress.

The difficulties of a precise adherence to the principle of justice, even between the individuals of

the same community, for the decision and application of which the intervention of the laws is at all times essential, become the greater between a government and its members, and are therefore the more easily violated : between nations they scarcely have existence.

From this reasoning, and in conformity with fact, it is evident, that to diminish the evils of a nation, the most efficient and direct methods are, to lessen the extent of the burthens on the people, in the shape of taxation, in the two-fold forms of the civil and ecclesiastical departments ;—to remove unnecessary and impolitic restrictions on commerce ;—to listen, and pay due deference to the public opinion, &c. &c. without which, the requisite degree of civil and political liberty cannot exist, nor the essential attributes of national power, welfare, and prosperity, be strengthened and promoted.

It is therefore evident, that the real causes of national misfortunes and suffering,—the depreciation and degradation of the moral and physical energies of the mass of the community, are reducible to a tangible form, and susceptible of demonstration ;—these it is obvious principally arising, from erroneous and injudicious systems of legislation. From this it is clear, that excess of population is in reality a remote or contingent evil ; in its favour, as being conducive to the efficient force of a nation, and a criterion of its prosperity, under equitable laws, the following may be adduced from Rous-

seau: ¹ it is asked, "What is the end of a political association? Is it not the preservation and prosperity of its members?—And what is the most certain sign that they are preserved, and that they prosper? Is it not their numerous population?—We need seek no further for the sign in dispute; but pronounce that government to be infallibly the best (provided there is no particular circumstance to make it stand as an exception to a general rule), under which, without the employment of any improper means, without the naturalization of strangers, without receiving any new colonists, the citizens increase and multiply: and that to be the worst, under which they lessen and decay. Calculators, it is now your affair; count, measure, and compare them."

Having briefly treated of the two essential bases of a nation's existence, and of the relative influences of these, as conducive to its prosperity and power, comprising population and taxation, there remain the two collateral elements,—its commercial relations and defensive power. The former of these, including the laws and regulations which limit or extend the sphere of its influence, forming the science designated by the appellation of Political Economy; in which perhaps of all other sciences, either speculative or practical, the greatest diversities of opinion are generated;—and the latter—defensive power, embracing the diversified elements

¹ Du Contrat Social, liv. 3, chap. 9.

and tactics of warfare,—forming the destructive and desolating, but, from the very constitution of society, indispensable art of war. (κ)

It has been asserted in the present chapter, that amongst the indispensable requisites to the existence of nations, are to be included the existence and extension of Commerce, and its complicated interests. The leading branch of social life, however, and that which claims the priority over all others, as affording the means, and supplying the primary wants of life, is the department of Agriculture; the condition of which also affords a test of national prosperity, and its reverse; and is inseparably blended with the mercantile interests of the community.

In modern times, the commercial departments of society take the lead in the intercourse of nations; in ancient nations, however, the principle was varied, the agricultural interests then taking the precedence. These respectively forming two systems of political economy,—the preference as a medium of intercourse in the complex relations of states being now given to the mercantile interests, agreeably to the following remarks¹—“the different progress of opulence in different ages and nations, has given occasion to two different systems of political economy, with regard to enriching the people. The one may be called the system of commerce, the

¹ Smith's *Wealth of Nations*, book iv.—Introduction.

other that of agriculture ;" the former being "the modern system, which is best understood in our own country, and in our own times."

It may however be presumed to be quite unnecessary, and wholly impracticable, in the present discussions, to enter into any thing like minute investigation of the science denominated Political Economy ; this involving such a complication of data, interests, and theoretical and practical principles and maxims, on which its very existence as a science depends,—that we may leave these subjects to the theoretical and practical systems, including their developements, of the present day ; not to mention the aggregate of talent, and the (in fact) infinite varieties of argumentation, both sophistical and rational, by which these respective theories are enforced and defended. Its indispensable association with the attributes of government, and the administration of the laws, in the existing relations of societies, is however, thus defined,—“Political economy, considered as a branch of the science of a statesman or legislator, proposes two distinct objects ; first, to provide a plentiful revenue or subsistence for the people, or, more properly, to enable them to provide such a revenue or subsistence for themselves ; and secondly, to supply the state or commonwealth with a revenue sufficient for the public services. It proposes to enrich both the people and the sovereign.”¹

¹ Wealth of Nations, book iv.—Introduction.

The justness and accuracy of the above definitions are unquestionable, and need no eulogium; and if acted on to the letter by statesmen and legislators, would indisputably, go far toward the prevention of individual and national distresses, as well as prove their remedy; leaving however the further discussion of these topics, including those relating to the last named element in the constitution of nations,—the art of warfare, to the illustrations afforded, in the sources of information professedly treating thereon, we may proceed with a consideration of the further varieties and attributes of legislation.

CHAPTER VII.

OF THE DIVERSE CHARACTERS OF LEGISLATION.

In addition to the foregoing discussions, the arrangement and classification under their respective heads, of the different descriptions of laws which enter into the constitution of societies, may be assumed as requisite for precision.

In every enlightened community, it is acknowledged without dispute, that the people are the legitimate source of power; and that from them, political power should virtually emanate.

Having, therefore, assumed the people as the depositaries of power, a second step assigns to them, as a collective and legislative body, the designation of the body politic. For this a delegation of power, or a select number of representatives, is essential. To the collective and legislative body thus formed, to whom the maintenance and regulation of political power is intrusted, is given the name of sovereign

or supreme power ; which is respectively varied, in an aristocracy, a monarchy, a republic, &c. The relations subsisting between the sovereign power and the community, are thus denominated political and fundamental laws. The appellation of fundamental laws however, more strictly applies to such as are adapted to every society ; and they are therefore independent of the minutiae to which particular governments and states are subject.

Another description of laws are those denominated civil laws, and these define the relations subsisting, between the several members of the same community, either in conjunction with, or abstracted from the sovereign power. The exercise and application of this species of laws, is intrusted to that part of the community termed civil magistrates ; in whom the civil power is literally vested.

The precise object and end of all laws is, to exact obedience from those subjected to their influence ; a non-compliance with, and consequent infraction of the laws, thus gives rise to a third species, designated criminal laws ; the definite scope and aim of which is, the maintenance of peace and order in the community.

To enter into minute investigation of the characters and relative merits of these various descriptions of laws, would obviously form a difficult and complicated task, to do justice to which, diligent research, and minute inquiry into an extensive catalogue of general and particular data, of principles

and their consequences, would be indispensable; for which also the legislative and juridical forms of any one community would amply suffice. This therefore does not fall within the limits of a general dissertation.

To these codes of laws essentially inherent in the constitution of a state, for the well ordering of its complicated relations, a fourth, according to Rousseau, must be united, which can neither be inscribed on brass or marble, but must live in the hearts of the citizens. This makes the true constitution of the state; its powers increase by time; and when all other laws become feeble, or even extinct, this re-animates them, or supplies their place. This preserves among the people the true spirit of their institution, and substitutes, insensibly, the force of habit for that of authority; comprising their manners, customs, and more than all opinions: these are means distinct from politics, but on which the success of all political institutions depends. To them the wise legislator directs his secret care; though he appears to confine his attention to those laws, which like the builder's *centre*, can only serve to raise the mighty vault upon: while the manners of the people, slowly forming round the frame, will become at last a solid arch, and knit themselves as an immovable key-stone.

It has been seen, that the sovereign power is the collective power resulting from the general will, which is an abstract being, or an ideal personifica-

tion in a popular government, but in a monarchy is united in the person of the monarch. This then elucidates the distinction between an hereditary and an elective monarchy ; all political advantages preponderating in favour of the former, the latter indeed scarcely existing, but in name, or in barbarous and uncivilized states, wherein one despot is deposed at the will of a few, and another substituted, probably to share a similar fate. (L)

The definition of the sovereign power, as has been stated, is that of a collective body of the members of a community, acting under the influence of the general will. It is apparent however, that this which is the legitimate appropriation of the term, can only apply to those states, wherein a specific and definite portion of civil and political liberty exists. In arbitrary and despotic governments, for instance, it does not exist in this general sense, even in name,—political power being virtually altogether abstracted from the mass of the community. The sovereign power thus includes its chief magistrate, under the appellation of king, in a monarchy, and an elective and hereditary president in a republican form of government, etc. etc.

The usual application of the term sovereignty to the people, designated the sovereignty of the people, is therefore, simply the assigning the aggregate of political power to the whole community; but which admits of, and is characterized by, limitation and concentration, without which essen-

tials for the regulation and administration of power, no form of government could be constituted; and nothing could exist but a simple democracy, the duration of which would necessarily be brief.

The complex power of government is, again, susceptible of resolution into the leading divisions of, the executive and legislative powers; these being however primary distinctions, whence all others are derived. To reduce these expressions to their simplest character, there is the power of making the laws, and the power of executing them.

The legislative power essentially belongs to the people, and is virtually exercised through the medium of their representatives;—whilst the executive is intrusted into the hands of those, who are the administrators of the laws, and hold the reins of government. The legislative power is thus virtually, but not literally, assigned to the people, since the inconveniences attending general assemblies of the people would in modern times render the principle impracticable; although at former periods, history shows this principle to have been predominant, that is, to have been put in practice. For example, the Roman laws were submitted to the test of the national approbation, by receiving the sanction of the *Comitia*;—these general assemblies of the people being, perhaps, the latest instances on record. More anciently than the æras of the Roman republics, the republican states of

Greece, as well as others, are found to have been guided by the same enlarged principles of government.

Although no inconsiderable portion of the Roman laws, has been embodied into the civil and political codes of existing states throughout the world, principally however confined to the European states, and more particularly to the English constitution, such an extended sphere of practical legislative power as that instanced in the example of the Roman *Comitia* (M) has, in modern times, even scarcely received a name, much less a practical application.

The modern policy of nations, or rather of their rulers, is obviously the reverse of this principle,—viz. the limitation and concentration of the legislative power, taken in the sense of its virtual abstraction from the mass of the people. In modern periods, and in the existing relations of political societies, such an assumption of legislative power would be characterised as a palpable violation of national order; and would be designated as open rebellion or revolution. The nearest approximation to this extended principle of government, is afforded in a republic, the representatives and their president being chosen from the ranks of the people; which most unquestionably preserves the purity of government in a state of greater perfection.

The supreme perfection of government must undoubtedly consist, in the preservation of

equality and equilibrium between its several powers and actions; and which is finally resolvable into, and constitutes, the attribute of justice. It may therefore be fairly pronounced, that in proportion to its more or less extensive violation of this rule, its decline and subversion are, in conformity with natural laws, proportionably accelerated, and the sooner accomplished; whilst, on the contrary, in proportion to its adherence to it, its stability and duration are rendered the more secure and lasting.

CHAPTER VIII.

OF THE DEGENERACY OF POLITICAL SOCIETIES.

The progression or advancement of nations, to a state of comparative or mature improvement, and their subsequent decline, forms a prominent feature in the sphere of history. The influential and generating causes of such progression and decline are found to be inherent in the organization of the body politic, and to form its essential elements. These efficient motors, or *secret springs*, which regulate the destinies of nations, and in their minute ramifications, those of individuals, as being component parts of the general whole, comprehend the utmost minutiae of legislation. Such an aggregate, including every possible variety, must necessarily involve, amidst beneficent institutions, an extensive sphere of incongruities and discordances. To endeavour to trace these respectively to their sources, with a view to diminish as far as possible, the bar-

ful influence of the one, and to extend the salutary effects of the other species of judicial policy, forms a principal portion of the duties of those, in whom the enactment and administration of the laws are vested.

In this is manifestly comprised the protecting and conservative power of government. It follows, then, that unless the government of a state be well constituted; that is, endowed with the various powers requisite for the conservation of its supreme authority; and provided with the necessary restraints for counteracting the tendency of political power to usurpation and violence, its gradual decline and ultimate extinction must be an inevitable consequence.

Although the constant and natural tendency of society, as respects the social and useful arts, is that of improvement, and an approximation to perfection, the same natural order cannot, unfortunately, with consistency and a conformity to truth, be applied to the phenomena and attributes of legislation, and the exercise and administration of political power. The natural and inevitable tendency of power being to augment its resources and aggrandize itself, at the expense of those elements on which it is essentially dependant for the attainment of these: minor considerations, and a proper deference to the rights of society, are too frequently overlooked; and the unpropitious qualities of injustice and political tergiversation, allowed to predominate. These political truths fairly induce and guarantee the axiom,

that the decline and subversion of states are directly attributable to the impolicy of rulers; this, in other words, comprehending an attempted counter-action and abrogation of the laws of nature and of reason.

If for a demonstration of the truth of such maxims as these, practical illustration be required, we have only to direct attention to the existing phenomena of political societies. What, for instance, it may be asked, are the immediate causes of those numerous physical and moral evils, to which several of the European states are, at the present period, so lamentably subjected? To repeat the enumerations which have been briefly given,¹ it may be enquired, what are the direct and influential causes of the present degraded condition of the several kingdoms of Spain, Portugal, Italy, &c. &c.? The direct answer obviously, and at once presents itself,— which is, that the moral, civil, and political degradation of these countries in the scale of nations, is exclusively referrible to the impolicy of those, in whom the administration of the laws and the functions of government are vested. The prominent feature in the countries which have just been named, is that of the demoralizing effects and benumbing influence of the worst qualities of the human mind, superstition and ignorance: the former indeed, being rather a consequence of the latter. On such bases, it is clearly not difficult to

¹ Chap. 8, Book 1.

erect systems of misrule and tyranny,—these effecting the mental and corporeal degradation of the mass of the community; whilst those who are the immediate causes of such physical and moral evils are rendered callous to the feelings of humanity, justice, beneficence, and all the moral virtues, which should adorn and influence society, in its minutest and most diversified forms and attributes.

To the above enumerations should be added the case of the Ottoman Empire, which reaches and includes the climax of the physical and moral evils resulting from the aberrations of political power, and the worst excesses of despotism; and which, in fact, also seems at the present period to have reached the climax of its destiny, or its term of duration, as an independent state, existing *per se*. Its present condition in the political scale is unequivocally little better, than that of a state of vassalage to its powerful, inveterate, and ambitious foe,—the Empire of the Czars. The overwhelming superiority of the latter, its determined character and avowed policy being that of aggrandizement or the accession of territory, this according to some politicians of the present day places no inconsiderable portion of the states of Europe in the contingent situation, of being sooner or later compelled, to succumb to this colossus of national energy.

In connection with this subject, and as a consequence, it is assumed, that the *balance of power*, as it has subsisted between the several states of

Europe, among which England has so long held the acknowledged supremacy, is now broken ;—the preponderance in the political scale becoming now justly assignable to the Russian Empire ! The immediate basis of such an opinion is, that the immense extent of territory, and proportionably extended population, of which Russia is composed, assigns to it an ascendancy of physical power. (N) It has been seen that accessories to these political advantages are wanting, to complete the aggregate of national supremacy. These accessories are the indispensable advantages of wealth, and a high attainment in the civilized and useful arts,—comprehending a preponderance in the attainment of every branch and species of knowledge, in conformity with the maxim, that “knowledge is power.” The unlimited advantages arising from these two essential elements, as conducive to, and constituting national prosperity and power,—wealth and knowledge,—unequivocally assign to the nation possessing the *maximum* of these collectively, a political ascendancy. If it be enquired, which of the European nations possesses the *maximum* of these respective elements, it is indisputable that the distinction must be awarded to England, and her dependencies ;—the next in the political ratio, unquestionably is France.

The apprehension, that the prowess and ambition of Russia would be likely to effect the subjugation of the subordinate states of Europe, in such a

manner as either to reduce them to a state of vassalage; to compel them to become tributary; or finally, to make them coalesce in one immense and unwieldy empire, is certainly, by no means consonant with the physical elements of societies, or the natural spirit of independence, and the universal desire for liberty, with which mankind are endowed. It is true, that a directly opposite character to these avowed attributes of mankind, is exhibited in the degraded condition of the Russian peasantry, who in their "best estate," are but what are termed *Adscripti glebæ*,—that is serfs, irremediably devoted to a state of slavery.

Such an event as that just named,—viz. the extension of the dominion and power of Russia over the major part of Europe, would thus be extending the empire of barbarism; which would consequently be in the highest degree inimical to, and of a tendency to subvert and annihilate the refinements, enjoyments, and infinitely superior elements of civilization. The anticipation of such an event, is highly repugnant to the best feelings of humanity, philanthropy, and a supreme regard, for all that tends to the conservation and amelioration of society.

The line of argumentation which has just been pursued, relative to the present condition of the major part of the European states, and of the contingencies to which they are subjected, has rather exhibited the prevalence of political degeneracy, than its opposite principle, amelioration and im-

provement;—the former being directly referrible to the impolicy of rulers, and vicious and imperfect maxims of government;—whilst the latter has, arrayed under its banners, the salutary and beneficial consequences flowing from the cultivation of the peaceful and useful arts; and the genial and invigorating influences of philosophy. (o)

From what has been advanced in the preceding portions of the present work, and from what has been seen relative to the general tendency of political associations;—viz. the legislative and governing powers of societies, to degenerate,—this mainly arising from the usurpations and abuses to which political power is more or less liable, it becomes directly inferential, that in a collateral order, the means of counteraction and remedy, have a definite existence and proportionate influence. To desire the welfare of the community, or to assist in its promotion, is therefore, to facilitate the adoption of those means essential thereto; which constitutes true patriotism, or *amor patriæ*.

To give this its most extended character and influence, it should obviously emanate from the highest sources of society;—that is, from those who, in their official capacities, are the institutors and administrators of the laws; on whose public and political conduct, the destinies of societies are dependant. This would therefore comprise the attributes of disinterestedness, and a sincere attachment to, and regard for, the public weal. This

attribute of disinterestedness is however amongst mankind, as experience proves, rather an abstract and difficult quality to be put in exercise; and which becomes the more so, when under the influence of ambition; whilst the abuses of disinterestedness for, or a disregard of the public welfare, is the fruitful source, whence the major part of the evils of societies originate.

To attempt to trace the discordant and unpropitious elements of political degeneracy, through their intricacies and innumerable disguises, would form a task as impracticable to accomplish, as the subjects proposed for contemplation are, *de facto*, extensive. For instance, to investigate the *theoretical* constitution of a legislative body or assembly, and to analyse the justness and consistency of the principles and judicial forms to which its members, individually and collectively, are indebted for political elevation and importance, would involve considerations touching the abstract and relative purity of elections, or rather, of the suffrages of citizens, and their abuses; the constitution of Parliaments, and the comparative advantages attending their durations, either as septennial, triennial, or annual, &c. &c. (p); the whole of which would not only require diligent and judicious investigation, but would form a complicated sphere of enquiry. This, from its nature, would necessarily be restricted to the forms and usages of a single state; and could not consequently, by possibility,

in minute development, embrace the complex characters of a plurality of states.

At the same time it may be remarked, that the forms and usages of a single state, would without doubt, for the preservation of its dignity, prohibit too daring an exposure of political errors, and impolitic measures of administration; and of the principles, whether good or bad, on which the internal organization of its constituent and legislative assemblies is dependant. General observations, analogous reasonings, and the derivatives from these, political axioms or maxims, form therefore for the most part the collective whole of political science.

Here then perhaps, we arrive at the ultimate principle and essential basis of government; and that to which all measures of administration should directly tend;—viz. the production and conservation of the aggregate happiness and welfare of the community. (q) To pursue the principle further, it may be asked, what systems of government and measures of administration, *are* most conducive to the attainment of this desirable object and end? The reply is, that this must doubtless, be generally determined by the circumstances of societies, and the experience of mankind; which, either expressed or implied, forms the public opinion of a community; this constituting a definite and legitimate standard of disapprobation or approval.

It has been apparent in the foregoing discussions, that the systems of government the *least* conducive

to the production of the public felicity and welfare, are those of pure despotism;—absolute monarchies, —aristocracies,—oligarchies;—in fine, all systems which trample on the virtually inalienable rights of mankind, as founded on the essential bases of equality, liberty, security, equity, and their co-ordinates, or the laws whence they emanate; designated the *jus gentium* and *jus naturæ*,—the laws of nature and of nations.

The direct inferences from the preceding observations are therefore, that all laws of convention, which in operation are found inimical to the welfare of the community, become proscribed by the superior principles of equity and abstract right; and that to effect their abrogation, and counteract their injurious tendency, forms an indispensable adjunct of moral and social duty.

CHAPTER IX.

SUMMARY REFLECTIONS ON THE HISTORY, INSTITUTIONS,
AND MODES OF GOVERNMENT OF THE EUROPEAN STATES,
&c.

In reverting to the history and condition of Europe, for the period comprehending the wars subsequent to that formidable epoch, the French Revolution; which event has been alternately eulogized as productive of the most beneficial consequences to mankind; and on the contrary decried, as having been pregnant with the most atrocious crimes, and engendering the worst maxims in politics and morals;—in a retrospective view of the condition of Europe, during this period, it is apparent that the most extraordinary changes have been manifested. Every variety and species of government, has perhaps, during this comparatively short period, been subjected to the test of individual and national experience; and to the conflicting and

jarring interests of society. The natural results of such rapid transitions and discordances, in the physical, moral, and political elements of societies, have been anything but advantageous to the welfare of the people at large. Facts on the contrary demonstrate, the sad reverses which injudicious systems of government, and impolitic measures of administration, have produced. From these for instance, have proceeded unjust wars; oppressive burthens on the people, under the denomination of taxation; arbitrary laws, and financial restrictions and impositions on Commerce, one of the principal sources of national prosperity;—and from all of which, the physical and moral degradation of the mass of society, has been inevitable.

This mode of reasoning, would however induce the apprehension, that such a mass of physical and moral evil has solely arisen from that political phenomenon, the French Revolution; which would at once annihilate every particle of reasoning in its favour. Such a conclusion would however, be highly injudicious, and irrelevant to the nature of facts. The true causes are unquestionably to be sought for, in the policy, or rather, in the general impolicy of the rival powers of Europe. A general league having been formed to crush the rising liberties of France, and the innovations of the revolution, the consequences have been, the international conflicts and protracted warfare, which the Euro-

pean States have individually and collectively experienced.

Had not such a combination of forces existed, for the avowed purposes manifested, the evils now lamented would not probably have occurred; in which case also, "the pride, pomp, and circumstance of glorious war," would not consequently have prevailed to the extent it has done, during a period of more than a quarter of a century. The results have been, according to the principles of liberal politicians, the existing depression of the major part of the European nations; and the elevation of one power¹ to preeminence.

Out of the war of principles, and the force of arms, which agitated Europe for so long a period, has arisen a novel power in the history of nations. The power here alluded to, it is obvious, is that which has been dignified by the appellation of the Holy Alliance;—which for its self-constituted authority;—its principles of action, and the effects produced, by the operation of these principles, are collectively, violations of the law of nations, or law of nature, and the derivatives from these, the attributes of justice and humanity; and all this, for the conservation of what is termed the principle of *legitimacy*: which is therefore collectively, a direct assumption of arbitrary and despotic power.

¹ Russia.

The modern history of Europe thus divides itself into two distinct parts ; the one respecting the new institutions and events subsequent to the French revolution, and those that preceded it. At the former period, subsequent to the fall of the Roman Empire, to which the innovations of Christianity, most undoubtedly principally contributed, an uniform and monotonous character, arising from the benumbing effects of despotism, was predominant. At such a period of history, there is therefore but little presented to view and contemplation, whence any beneficial portions of moral and practical knowledge can be derived. In such a cursory view of past history, however, in the periods alluded to, one grand feature and event is apparent ; and which, from the incalculably beneficial effects that have resulted from it, to all succeeding periods of society, cannot well be passed over without notice. It is obvious, that what is here alluded to, is the rapid communication of knowledge, through the agency of the press. To its agency being mainly attributable, important changes in society, which have taken place ;—the moral and physical amelioration of mankind being an inevitable consequence.

For illustration, as has been mentioned, past history affords innumerable details, in contrasting periods wherein the mental and moral degradation of whole societies, have been the natural effect of the perverted principles of despotism ; itself fostering, and fostered by, superstition and ignorance.

Such a comparison and contemplation of past history, and of the aspect which it presents of the condition of society, during a lengthened period;—its darkest and most unpropitious character, being assignable to what are termed the semibarbaric or gothic ages; does therefore by no means include those distant states of society, comprehending the classical æras of the Grecian and Roman Republics, &c.

Alas! how faint,
 How slow, the dawn of beauty and of truth
 Breaks the reluctant shades of Gothic night
 Which yet involve the nations! Long they groan'd
 Beneath the furies of rapacious Force,
 Oft' as the gloomy North with iron swarms
 Tempest'ous pouring from her frozen caves,
 - - - - - swept the works
 Of Liberty and Wisdom down the gulf
 Of all-devouring Night. *Akenside.*

Leaving however, such remote and proportionably enlightened periods as the classical æras above mentioned, to the eulogies they justly merit, attention is more particularly to be directed, to contemporaneous times and events; and of these, the history and civil policy of the principal European States afford extensive and ample scope for minute detail. In fact, so extensive a sphere of investigation is here presented to view, that to do justice to such a subject, a judicious examination of a wide range of data, of diverse principles, and their various combinations, would be indispensable. This

would therefore include, an analysis and impartial *examen* of the diplomatic relations and civil policy of Courts, limited to individual States, and still further, to minute and intricate principles of administration; not to mention the almost inaccessible *arcana imperii*.

To descant on such diversified topics, and to trace the series of general and particular phenomena through their most intricate developments; deducing and judiciously applying the natural and appropriate inferences, falls more particularly within the province of the Historian; and constitutes what may be termed the philosophy of history.

Such a complicated series, it need scarcely be remarked, forms in minute development, far too extensive a sphere of investigation and discussion, for the limits prescribed in the present work; and we proceed therefore, with the more general observations.

The prospects *inferred* from the existing relations of the European States are, as has been already noticed, the actual preponderance of the physical power of Russia; this virtually extending from the confines of the Russian empire in Asia, to the western boundaries of Europe; in fact according to some politicians, not excepting the banks of the Thames, or the emporium of commerce and wealth, the British Metropolis.¹

¹ The following remarks, in connection with this subject, occur

Such a splendid attainment of power, approximating to universal empire, may be assumed as too colossal for the energies of a single state. But to this may be opposed the consideration, that instead of the formation of one unwieldy empire, there would exist the subordination of several states or kingdoms, to one common superior; whence the

in a Work, on the situation of the Principal Powers of Europe.* In commenting on the formation and principles of the Holy Alliance, thus designated from the confederation of the three powers of Russia, Austria, and Prussia; and also in connection with the balance of power, in Europe, it is stated,† “there appears to be very little probability that Austria and Prussia will be detached from the triple alliance, and consequently that the balance of power will ever be restored. Thus by a singular fatality the progress of the principles of liberty, so hostile in their character to those of the Russian government, is itself one of the circumstances most favourable to the influence of this government over the western powers. It furnishes at once a pretext for interference in the affairs of these powers, and an infallible means of sowing among them and in their bosoms the seeds of distraction and disunion, the only thing necessary to insure the victory of any single great power over any coalition, however extensive and formidable. Inflamed by persecution, the friends of liberty in the several countries will finally lose their patience and their prudence, and be hurried into attempts at revolution. Under pretence of checking these attempts, the Russian garrisons will advance from capital to capital, as their terror has already spread itself from cabinet to cabinet, and should the disorderly materials now fermenting in England burst out into open insurrection, we may see at last the two-headed eagle extend his wings and unfurl his charts triumphantly over the tower of London itself.”—A consummation certainly *not devoutly* to be wished.

* By A. H. Everett, Chargé d'affaires of the United States of America, at the Court of the Netherlands.

† Chap. 8, Balance of Power.

energies and complexion of individual and general government would necessarily emanate ; and which would thus, according to the tendency and character of the parent state, or rather of the dominant power, induce either the desolating and withering influences of despotism ; or the benign influences of equable laws, these of necessity producing the welfare and happiness of societies ; and extending the empire of civilization.

At the present epoch of European history therefore, and in the existing crisis of affairs, notwithstanding there are opposed the leading elements of religion, morals, and political phenomena,—these constituting essentially, the customs and manners of nations, the anticipation is indulged in, that an amalgamation of the whole of European society under one common head is inevitable. This is on the one hand assumed, as being eminently conducive to the welfare of society in the aggregate ; and in a contrary view, as calculated to replunge the most enlightened and civilized portion of the globe, into barbarism and anarchy. Such reasoning collectively and principally referring to an actual military dominion of Russia, over the rest of Europe.

But admitting the determined and avowed policy of the Russian empire, to be that of perpetual aggrandizement, and the submerging of previously independent states into one common vassalage, if the idea be extended to the whole of Europe, and a considerable portion of Asia, it is at once evident, the

for its accomplishment, protracted warfare, and the most violent collisions and convulsions of society, would be the inevitable precursors.

Thus the immediate prospects for Europe, as depending on such views of existing political phenomena, would be, the general reproduction of the discordant elements and deteriorating effects of war, with its long train of ills and calamities; and the consequent suspension of the salutary influences and immeasurably beneficent effects, attendant on the existence of a reciprocal harmony between enlightened and civilized nations.

From this, a political axiom or truism may be deduced,—viz. that war and all its ills, is a direct emanation from principles of barbarism,¹ or leading to it;—thus inevitably frustrating and contracting the sphere of civilization,—annihilating the common sympathies of humanity,—and dissevering the bonds and minute elements of social life.

Having in the present and preceding chapter, indulged rather freely in discussion on contemporaneous politics, limited to the general aspect of European society; and having seen of what discordant elements it is as a mass composed; that the leading features of the several nations are in the aggregate, political degeneracy, and the collision of antiquated

¹ In the present instance, the exciting cause, and that to which attention is almost exclusively directed, being the semibarbaric and half civilized empire of the Czar—the growth of a century;—this is therefore ostensibly in point. (R)

forms of civil administration, &c., with innovations induced by the progress of society ;—that the immediate and direct consequences of these ills, are the moral, physical, and political degradation and deterioration of the condition of that portion of society denominated the people ; and that finally, on the basis of such deterioration of national energies, are founded the pretensions of one power to general dominion, it may in the spirit of philanthropy, as well as in that of patriotism, be asked, in what the remedial causes consist, for the prevention and removal of such a complication of actual and threatened evil.

The reply is, at first view, obvious,—viz. that since the people constitute the efficient force of nations ; that as physical power emanates from them, and that by them the evils of mis-government, oppression, and tyranny are so lamentably experienced, the results necessarily are, that in the progress of events and the combination of circumstances, to the democracy or people, must *ultimately* be referred all decisions on political rectitude ; in other words, that the general will, in its *free* expression, must determine the character and complexion of forms of administration ; assume the attributes of supremacy and paramount authority ; and thus be founded on, and consecrate, the essential and immutable principles of equality, equity, liberty. (s)

A practical application of the last mentioned principles, would be to array the democracy of

tions, against the aristocracy; and to assign to the democratical portion, a due preponderance in the political scale; which are principles essentially combined in the description of government denominated republican.¹ And these maxims, although not recognized in the European Codes, are found to assume a definite and determinate character, in the civil policy of the United States.

In favour of the last mentioned description of government,—the republican, the following is given in the Work already noticed.² In remarking on the progress of civilization, and the spirit of improvement throughout Europe, it is stated,—“its general tendency is to introduce institutions essentially republican, or in other words, established on the basis of equal rights. Whether the forms of aristocracy and monarchy, which in such a state of things are the mere shadows of a departed substance, will be retained by the force of habit, or whether hereditary magistracies and distinctions will wholly disappear, is perhaps uncertain. The simple and manly beauty of republican forms will

1 “Candour, force, and elevation of mind, are the props of democracy; and virtue is the principle of conduct required to its preservation. How beautiful a preeminence on the side of popular government? and how ardently should mankind wish for the form, if it tended to establish the principle, or were, in every instance, a sure indication of its presence!” Ferguson on Civil Society, part 1, sect. 10.

2 On the Situation and Prospects of Europe, chap. 10.

no doubt, be perceived in time by the cultivated classes in Europe; and will obtain a preference over the cumbrous magnificence and childish pageantry of courts. The great economy attending these forms, and their real superiority for the dispatch of business, are sufficiently evident; and the example of the United States is annually refuting the vain charge, which European writers have made against them, of tending to create confusion and turbulence. After all that has been said of the stability of monarchies, and the agitation of republics, it appears at last that the pure democracy of the United States is the firmest and most tranquil government now existing in Christendom."

These observations tend to demonstrate, that to resist the encroachments of power, the democracy or people constitute the sole effective force in nations. From which a moral truism is deducible,—that it is the duty of citizens, individually and collectively, to endeavour through the medium of that formidable moral engine, the public opinion, in the first instance, to procure the abolition of laws and institutions injurious to, and destructive of the welfare of the community; and secondly, to resist with energy, by the expression of the public disapprobation, the imposition and enactment of laws, deemed injurious in their tendency, and inimical to the public weal.

Although physical power is allied with the democracy, there are still wanting on the part

people, in the aggregate, the essential elements of wealth and knowledge, to give them a requisite preponderance in the political scale. Quere, may not the abstraction of wealth, in the shape of taxation, and by impositions and restrictions on Commerce, be a *secret* mean employed by those who hold the reins of government, to diminish, and virtually to annihilate the energies of the people? This, although it may be assumed as an uncharitable supposition, appears plausible, and minute attention to facts would doubtless confirm it. Leaving however the adventitious and contingent acquisition of wealth, there remains the other indispensable and primary element,—the acquisition and dissemination of knowledge.

The last mentioned indispensable attribute of civilized society,—the dissemination of knowledge, which has been already commented on, is therefore one of the most accessible resources, calculated to assign to the mass of the community, political importance; to which consequently, every possible encouragement should be given. (T)

If from the general observations and reasonings which have been advanced, inquiry and minute analysis were instituted into the forms, attributes, and merits, of a particular administration or system of government, the first in importance which presents itself to view, is certainly the government and constitution of England; which having had assigned it the preeminence over all other governments, either

ancient or modern ; and having received the eulogies of politicians, and of mankind in general, affords consequently, an ample field for political and philosophical disquisition ; this at the same time demanding the indispensable qualities of erudition, laborious research, and patient investigation.¹

In connection with this subject, the following remarks occur, in the Work previously quoted,² in favour of the British constitution. In treating of Great Britain it is observed, " the country which first gave the example of a free and well-regulated government is naturally an object of curiosity and interest to the friends of liberty ; and to this distinction Great Britain seems to be fairly entitled. We find in the fierce democracies of Greece and Rome, and in the modern Italian republics, many traces of high spirit and independent feeling, many exhibitions of the loftiest qualities that belong to our nature ; characters perhaps that have never been excelled or equalled in England ; but the political institutions of these states were all irregular and vicious ; and some of the most celebrated of them, as Athens, were also deficient in the necessary resources for embodying the principle

¹ " Nothing but a patient and minute investigation of the practice of the government in all its parts, and through its whole history, can give us just notions on this important subject." Discourse on the study of the law of nature and nations, by Sir J. Mackintosh.

² By A. H. Everett, on the Prospects, &c. of Europ

of liberty in a powerful and imposing form. The illustrious characters that adorned all these republics, and the charm of poetry and eloquence that has been thrown about them in description, have given a sort of conventional celebrity to their political institutions, which vanishes at the slightest touch of critical examination. Holland is perhaps the country which has the best right to contest with England the glory of giving the world the first example of a liberal and well-regulated constitution; but although the republic of the Seven United Provinces made a nearer approach to the attainment of this object than its predecessors, it was far from reaching it. It was reserved therefore for England to solve this great problem; and to exhibit, for the first time, the phenomenon of a vigorous and permanent political system, founded on the basis of liberty and equality. All the new representative governments on the continent of Europe are avowedly imitations of this; although they have not copied the British constitution in every part, and where they intended to copy have often failed to do it, from not understanding the model. In the United States we have brought, as we suppose, the forms of government to still greater perfection; have cleared away many abuses, avoided many errors, and introduced great improvements in the details of administration; but we are still proud and happy to look to Great Britain, as the source from which we derive the spirit and the love of liberty, and from

which we have drawn all our political institutions, with the alterations necessary to accommodate them to our situation and habits. The British Islands, therefore, whatever may be the future fate of their inhabitants, will always be reckoned as classical and sacred ground by the friends of liberty; and their history and constitution will ever be studied with singular attention, by all who wish to attain correct notions of political science."

In connection however with such general eulogium on the politics and administration of England, there exists, and has existed, notwithstanding, a vast deal to censure and condemn in its internal policy; and in the consequences resulting,—its external relations and conduct, with respect to other nations. In continuation of the article whence the above quotation has been adduced, it is remarked, in a reverse picture of political affairs, that "the crisis which now threatens the safety of England may perhaps be traced, without much fear of error, to a mistaken system of administration, as its remote and general cause. It is not unnatural for individuals or nations, who feel the consciousness of superior advantages, to waste them in useless and extravagant enterprises. Great Britain, in the pride of wealth and power, has made it a part of her magnificence to take the lead, at vast expense, in general politics. Had she abstained wholly from this sort of intervention, it can hardly be doubted that the resources which have enabled her, as it were, to

hold the sceptre of Europe, would have been sufficient to give her perfect independence, and security from attack at home. She would, therefore, on this supposition, have still enjoyed, in an equal degree, the only real advantage which can be alleged as a rational motive for such interference—however different it may be from the causes which actually produce it in practice. In other respects, how much more favourable would have been her position. She would be free from the enormous debt which has been contracted in waging these useless wars. Her establishments, civil and military, would have continued throughout upon a moderate scale; and it would not have been found necessary, in order to raise a sufficient revenue, to impose upon labour the enormous burdens and various restrictions which embarrass it so seriously, and form, with the amount of the debt, the essential difficulty of the present crisis. She would then, in a word, have enjoyed all her actual advantages, and avoided all the evils and dangers which surround and threaten her. If, therefore, the spirit of the British constitution may well be held up as a fit object of admiration and imitation, the spirit of the British administration, in some of its important parts, may also be regarded as a salutary warning to other nations, who are or may be tempted, in the consciousness of wealth and power, to run into similar errors.”

From a retrospective view of past policy, attention might be devoted to, and anticipations in-

dulged upon the probable future; past errors and misfortunes constituting the effective landmarks, for avoiding the "shoals and quicksands" which pervade the turbulent ocean of mal-administrations, political strifes, and the collision of the hostile and jarring interests of civilized, but certainly imperfectly organized societies. As however the guidance of the vessel of the state, is necessarily intrusted into the hands of those who are at the helm of affairs, and hold the reins of government, to them the popular attention and the expression of the public opinion, become exclusively directed, in the fond hope, that the perception and experience of physical and national ills may lead to endeavours to point out their remedies; and that, acting on philanthropic and patriotic principles, the reformation of abuses may be effected, and the permanent order, welfare, and happiness of society established.

CHAPTER X.

RATIONALE OF THE FOREGOING ARGUMENTS: CONCLUDING
REFLECTIONS.

In the discussions contained in the preceding pages, illustrations have been attempted of the complexion and character of governments and laws, including their abstract and relative influences,—that is, considered with relation to general or particular societies. In such investigations it has been inferred, that, the attributes of government, or the science of legislation, have proceeded from the primary and simple elements of democracy, through their intricate and complicated diversities. This being apparently, the most rational view of society. In accordance with which hypothesis, is the following,—¹ “We may incline to believe, that mankind, in their simplest state, are on the eve of erecting republics. Their love of equality, their habit of

1 Ferguson on Civil Society, part 2, sec. 3.

assembling in public councils, and their zeal for the tribe to which they belong, are qualifications that fit them to act under that species of government; and they seem to have but a few steps to make, in order to reach its establishment. They have only to define the numbers of which their councils shall consist, and to settle the forms of their meeting: they have only to bestow a permanent authority for repressing disorders, and to enact a few rules in favour of that justice they have already acknowledged, and from inclination so strictly observe."

The bases and fundamental elements of society, are thus identified with the state of nature; primary institutions are therefore, to be assumed as the plain and simple dictates of nature, influencing mankind in their unsophisticated state;—unbiassed by prejudices, and uncontrolled by the perversions and tyrannical usurpations of power, in its innumerable disguises; but, notwithstanding, mankind in such a state, are a prey to the influence of fear, this being principally founded on ignorance of physical or natural, and of moral or mental phenomena. On such a view of the subject, however, it may be contended, that, if the sentiment of fear predominated amongst mankind, in the infancy of society, how could such a disposition of mind be compatible, with a spirit of independence? In the resolution of such a question, a distinction is to be made between the corporeal and mental powers—since the former may be endowed with, and characterized by strength

and energy, whilst the latter, from the predominance of ignorance, are chiefly distinguished by imbecility. From a profound ignorance therefore of natural causes, the phenomena of nature presented to the senses, become elevated, in imagination, into supernatural; and that which is an inevitable consequence of natural laws, becomes ascribed to the influence of supernatural agency. Such phenomena exciting the attributes or states of mind, designated astonishment, admiration, apprehension, &c., which last is synonymous with the sentiment of fear. There are here then presented to view, the two classes of natural and moral phenomena. The former, by influencing mankind, whilst in a state of barbarism, by exhibitions of grandeur, by terrific appearances, &c., inducing the moral or mental qualities of devotion combined with superstition, and being therefore, the fruitful sources of, and generating superstitious dogmas, which at length exert an extensive and paramount influence on society at large—giving existence to all the fictions of history, connected with fabulous and mythological creations of the imagination.

Thus much then for the influence of the sentiment of fear, excited by, and emanating from the perception and observation of *natural* phenomena; or rather this sentiment, in such instance, principally arising from the ignorance of palpable and obvious causes of such phenomena, which is more particularly assignable to mankind in the origin of society.

With such predominant sentiment or disposition of mind, a spirit of independence may therefore, notwithstanding exist; this spirit of independence proceeding from the attribute of equality, which forms the incipient element in the constitution of the democratic form of government; and which, on the hypothesis here given, is collateral with the organization of society.

The attribute of fear, however, assumes a different complexion, when considered in relation to *moral* phenomena, that is of phenomena forming the complex relations of society, connected with civil and political institutions. Thus for instance, according to Montesquieu, fear is the principle of the despotic form of government.¹—"As virtue is necessary in a republic, and in a monarchy, honour; so fear is necessary in a despotic government: with regard to virtue, there is no occasion for it, and honour would be extremely dangerous.

Here the immense power of the prince is devolved entirely upon those to whom he is pleased to intrust it. Persons capable of setting a value upon themselves would be likely to create revolutions. Fear must therefore depress their spirits, and extinguish even the least sense of ambition."

* "In despotic states the nature of the government requires the most passive obedience; and

1 L'Esprit des loix, chap. 9, liv. 3.

2 Ibid, chap. 10.

when once the prince's will is made known, it ought infallibly to produce its effect. .

Here they have no limitations or restrictions, no mediums, terms, equivalents, parleys, or remonstrances; nothing equal or better to propose: man is a creature that submits to the absolute will of a creature like himself.

Man's portion here, like that of beasts, is instinct, compliance, and punishment."

The position assumed in the foregoing observations, relative to the priority of the democratic form of government, in the earliest condition of society, is literally beyond the pale of demonstration, as respects the origin of all government;¹ and a decision on such a question may, perhaps, intrinsically be considered as unimportant. Plausible reasons however justify the assumption, that the progress of government, or of civil policy, has been from democracy to aristo-

1 Excepting perhaps the Jewish institutions, as recorded in the Scriptures; according to which testimony, the Patriarchal form of government took the precedence, and was followed by the Pontifical, in which species the supreme authority was assigned to the Elders of the people; and consecutively, the Regal form of government. The pontifical, ceasing in the person of Samuel, and the regal government commencing with Saul. But independently of the Jewish nation and its institutions, others are to be enumerated, such as the Persian, Assyrian, and Babylonian Empires, the kingdom of Egypt, &c., whose origins are obscured by a remote antiquity; an investigation of such subjects, falls therefore, more particularly within the province of History and Chronology,—since epochs are to be ascertained, and determinate data established.

cracy, limited and absolute monarchy, despotism, &c. In illustration of the paramount influence of popular government, according to Hume¹ “however perfect the monarchical form may appear to some politicians, it owes all its perfection to the republican; nor is it possible, that a pure despotism, established among a barbarous people, can ever, by its native force and energy, refine and polish itself. It must borrow its laws, and methods, and institutions, and consequently its stability and order, from free governments. These advantages are the sole growth of republics. The extensive despotism of a barbarous monarchy, by entering into the detail of the government, as well as into the principal points of administration, for ever prevents all such improvements.”

Again, in further illustration of the respective characters of monarchical and popular government it is remarked,—² “although in a civilized monarchy, as well as in a republic, the people have security for the enjoyment of their property; yet in both these forms of government, those who possess the supreme authority have the disposal of many honours and advantages, which excite the ambition and avarice of mankind. The only difference is, that, in a republic, the candidates for office must look downwards, to gain the suffrages of the people; in a monarchy, they must turn their attention upwards,

¹ Essay 14, vol. 1.

² Ibid.

to court the good graces and favour of the great. To be successful in the former way, it is necessary for a man to make himself *useful*, by his industry, capacity, and knowledge: to be prosperous in the latter way, it is requisite for him to render himself *agreeable*, by his wit, complaisance, or civility. A strong genius succeeds best in republics: a refined taste in monarchies. And, consequently, the sciences are the more natural growth of the one, and the polite arts of the other.

Not to mention, that monarchies, receiving their chief stability from a superstitious reverence to priests and princes, have commonly abridged the liberty of reasoning, with regard to religion and politics, and consequently metaphysics and morals. All these form the most considerable branches of science. Mathematics and natural philosophy, which only remain, are not half so valuable."

The science of jurisprudence is, by analysis, resolvable into a few primary and simple elements, which are to be identified with the institution and organization of society; in other words, without the existence and operation of these elements, society itself, could not by possibility subsist. In an examination of the history of jurisprudence therefore, it is found to proceed, from its primordial bases, which have existence, and are acted on, in uncivilized communities, by gradual developments, to the complicated diversities it assumes, in the refinements of

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The immediate and efficient basis of such a complicated superstructure, it need scarcely be repeated, and is a self-evident maxim, is the paramount principle of equity; the conservation and adjudication of which, forms, or *should* form, the supreme object and aim of all law, and beneficent modes of administration.

In endeavours to attain and secure the equal administration of laws, and the equable dispensation, or an approximation to this, of the important attribute of justice, all the varieties and technicalities of *legal science* are involved. For the equal administration of justice—"the first maxim in a free state is, that the laws be made by one set of men and administered by another; in other words, that the legislative and judicial characters be kept separate." But in the labyrinths and niceties involved in legal decisions, may not decisions on the principles of equity be frequently obscured, and justice itself have no definite existence. In rigid and even superficial investigation of such subjects, this must doubtless be sufficiently apparent. Wherein then it may be asked, consists the remedy? Perhaps a rational answer would be, that it consists in the simplification of judicial forms and processes; this admitting of the nearest possible approximation to reason and precision, divested therefore, as far as possible, of the sophistries, perplexities, and in-

¹ Paley's Mor. and Pol. Phil.

tricacies, with which *accumulated* and *antiquated* forms and systems of judicature necessarily abound. We are here however digressing on a subject of considerable magnitude, and certainly of vital importance to the interests of communities; and perhaps the immediate inference from the foregoing observations is, that since the principles of natural law, are in themselves precise and of definite application, the endeavour to maintain the strictest possible adherence to these, should form a predominant attribute of judicial and national policy.

With all such considerations however, it is indisputable that the public opinion of a community, is intimately concerned; which is saying, that the public opinion has great influence in the sanction of existing abuses, and must have a corresponding influence and power, in producing and sanctioning superior and more beneficent modes of administration; and in the conservation and application of the principles of equity; violations of which principles, as has been demonstrated, are the fruitful sources of the political and moral evils, which assail and deteriorate the general aspect and condition of society.

The public opinion, may thus, in the foregoing sense, infallibly constitute, either a vehicle of error, this inducing a lengthened series of individual and national misfortune and suffering; or, on the contrary, promote and facilitate the attainment, determinate existence, and operation of the best principles of legislative and judicial policy—founded on

The immediate and efficient cause of the complicated superstructure, it would seem, is the repeated, and is a self-evident maxim, the great principle of equity: the fundamental right-adjudication of which, forms, in all civilized public preme object and aim of all law, and the essential modes of administration.

In endeavouring to attain this end, the administration of law, and the system of justice, or an approximation to this, is as annulled. attribute of justice, all the relations of propriety ties of *legal science* are involved. In the thermometer, the administration of justice, and demonstrate free state is, that the law is expressed and promulgated, and administered in the *regime* of that the legislative and judicial powers are separate." But in the preeminent influence involved in legal administration, or of the aggregation of principles of equity, is found associated justice itself. The inculcation and application and even administration. The grand mover, or this *movement* as well as in uncivilized. When the law is to consist in, and to Perhaps the systems established, and in the dogmas inculcated. The character of systems of religion to determine the character of as religion established as supreme generally followed by tolerant

laws; whilst, on the contrary, intolerant and arbitrary creeds, are necessarily followed by despotic and tyrannic laws.

In thus contemplating the several characteristics and attributes of governments and laws, proceeding, in operation, from general and abstract principles through their subordinate gradations and phenomena, enlightened and approved systems of civil policy become apparent, and merit adoption; whilst all adverse systems become proscribed, and unworthy of regard.

If it be enquired, wherein tests are afforded for decision on the merits, or, for approval of modes of administration, it may be replied, that these obviously consist in the nature of things,—in facts and the experience of mankind. A legitimate standard is utility, and the production of the aggregate quantity of happiness in communities—in which, the general welfare, extending through their subordinate gradations, assigns the preference and the superiority, to the congenial and efficient causes by which it is produced.

Thus, according to Mirabeau, ¹ “Society is just, good, worthy of our love, when it procures to all its members their physical wants,—security, LIBERTY, the possession of their NATURAL RIGHTS;—it is in this that consists all the happiness of which the social compact is susceptible; it is unjust, bad, unworthy of our love, when it is partial to

¹ System of Nature, part 1, chap. 12.

a small number, and cruel to the greater part; it is then that it necessarily multiplies its enemies, and obliges them to revenge themselves by criminal actions that it is forced to punish. It is not upon the caprices of a political society, that depend the true notions of justice and injustice, of moral good and evil, of real merit and demerit; it is upon the utility, it is upon the necessity of things, that will always oblige men to feel, that there exists a mode of acting, that they are obliged to venerate, and to approve in their fellow men, or in society, whilst there is another mode, that they are obligated, by their Nature, to hate and to condemn."

From considerations of, and disquisitions on the attributes and characteristic phenomena of civil and judicial policy, precise data are thus afforded; which data are founded on the testimony of history, and the experience of mankind; whilst the general aspects of political communities exhibit evidence of the nature of their governments—of the responsibilities attached to them,—and of the extensive influences exercised.

For summary illustration of the foregoing observations, the following may also be appropriately cited. ¹"Government has necessarily and equally an influence on the philosophy and morals of nations. In the same manner that its cares produce labour—activity—abundance—salubrity—its neg-

1 System of Nature, chap. 9, part 1.

ligence, and its injustice produce laziness—discouragement—penury—contagion—vices and crimes. It depends upon government to bring forth or to stifle talents—industry—virtue. Indeed the government, the distributor of dignities—of riches—of rewards, and of punishments; in short, master of those objects in which men have learnt from their infancy to place their felicity and happiness, acquires a necessary influence over their conduct—it lights up their passions—it turns them to whatever side it pleases—it modifies them and determines their manners, which are in a whole people the same as in the individuals, only the conduct, or the general system of wills and of actions, which necessarily result from their education—from their government—from their laws—from their religious opinions—from their institutions, whether rational or unreasonable. In short, the manners are the habits of a people: these manners are good whenever there results from them true and solid happiness to society: and in spite of the sanction of the laws—of custom—of religion—of the public opinion, and of example, these manners can be detestable in the eyes of reason, when they have nothing more in their favour than the suffrage of habit and of prejudice, who rarely consult experience and good sense. There is no action, however abominable, that has not, or which has not had applauses and approbation in some nation. Above all religion

has consecrated the most unreasonable and the most revolting customs.

The passions being the motion of attraction and of repulsion, of which Nature renders man susceptible, for those objects which appear useful or prejudicial to him, are able to be withheld by the laws, or directed by the government, who hold the loadstone proper to make them act. All the passions are constantly limited by loving or hating,—searching after or avoiding,—desiring or fearing. These passions, necessary to the conservation of man, are a consequence of his organization, and display themselves with more or less energy, according to his temperament; education and habit develop them and modify them, and government turns them towards those objects that it believes itself interested in making desirable to the subjects that are submitted to it. The different names which they have given to the passions are relative to the different objects which excite them, such as pleasure, grandeur, riches, which produce voluptuousness, ambition, vanity, avarice. If we examine attentively the sources of those passions which are predominant in nations, we shall find them commonly in their governments. They are the impulsions of their chiefs which render them sometimes warlike and sometimes superstitious—sometimes covetous of glory, and sometimes greedy after money—sometimes rational and sometimes unreasonable; if sovereigns, in order to enlighten and render happy their do-

minions, were to employ only the TENTH part of the vast expenditures which they lavish, and of the pains which they take to deceive and to afflict them, their subjects would presently be as wise and happy as they are at present ignorant and miserable.

Thus let them renounce the vain project of destroying and rooting the passions out of the hearts of men; and let them endeavour to direct them towards objects that are useful for themselves and their associates. Let education, government, and the laws habituate them to contain them within those just bounds that are fixed by experience and reason."

From the *general* explication of the phenomena of government, such as, the propounding of maxims of civil and judicial policy, and the portraiture of effects anticipated and realized as invariable and uniform consequences, flowing from the operation of definite and determinate principles,—from such general considerations, it is obvious, their application and limitation to particular communities, necessarily involve extensive and important details. In the character and complexion of *existing* governments, in the quarter of the globe,¹ to which attention has, in the foregoing pages, been principally directed, a predominance of political evils has been, and is manifested. With an admission of the existence and morbid operation of a preponderating mass of ill, an

¹ Europe.

acknowledgement must likewise, in the spirit of philanthropy be made, that extensive political reformation becomes an indispensable panacea, for the removal and remedy of such incongruous and discordant elements. At the same time it may be remarked, that such gradual, efficient, and desirable reformation, is undeniably, although slowly progressing, throughout the political and rival communities more immediately under consideration.

In one or more communities, for instance, the salutary and corrective influences arising from the expression of the public voice or opinion, are productive of gradual amelioration and important and beneficial changes. Evidence of which is afforded by a comparison of existing and recent periods of society in general, with antecedent and more remote periods: the superiority of the former over the latter being clearly apparent. This elevated and superior condition of society in the aggregate, a variety of congenial causes has conspired to produce. With the admission however, that considerable amelioration and improvement have been effected in the condition of mankind, and society at large, must be added the conviction, that a vast deal of political and moral reformation remains to be accomplished.

Here however, our lucubrations may for the present terminate, with the hope that, the existing evils of society *may* find a remedy; that industry, prosperity, and, as a natural consequence, the general

welfare may predominate in nations too long distressed with internal convulsions and protracted warfare; these enviable advantages being necessarily founded on beneficent, wise, and liberal institutions and laws; which attributes of legislation must therefore take the precedence, since they are the efficient and powerful causes whence the felicitous and desirable consequences which have been enumerated, directly emanate.

In connection however with the discussions forming the present work, the question may arise, —to which of the classes of society do such subjects relate? treated of, as forming the internal policy of nations, more particularly appertain, —viz. to the governors or the governed? In reply to this it may in the first place be remarked, that as respects moral and social duties, both classes are perhaps equally concerned; or if an inequality exists, that the greater portion of duty and responsibility is incumbent on the institutors and administrators of the laws; whilst in point of physical and political importance, the precedence and preponderance are assignable to that portion constituting the *vis unita* of nations; —viz. the mass of the community, designated as the people, to whose collective and permanent welfare, the essential organization of society and the laws, should directly tend. (v)

Finally, from the principles which have been stated and advocated, (v) which are those of subordination, equity, or law, in consonance with the

laws of nature and morality, and of these as applicable to the whole of society, it may be asserted, that if adhered to in the administration of government, the welfare and felicity of the community would doubtless as inevitably result, as the demonstration of a mathematical problem from just and accurate data.

NOTES.

NOTE (A) p. 12.

A republic or commonwealth, it is asserted, must have had the precedence of other forms of government, as resulting from the natural equality in which mankind existed in the primary formation of society. This is founded on the opinion, that a large extension of power, necessarily subsisted on the part of the democracy or people, in a rude state of society, whence delegations of power *subsequently* resulted. In accordance with this idea, is the following from Volney's Ruins of Empires,—note to page 67.—“It is remarkable that this has in all instances been the constant progress of societies : beginning with a state of anarchy or democracy, that is, with a great division of power, they have passed to aristocracy, and from aristocracy to monarchy,” &c.

A different opinion is however expressed by Rousseau,* relative to the primary institutions of society, by placing the government of an aristocracy first in the natural order, as follows ;—“ Les premières sociétés se gouvernèrent aristocratiquement. Les chefs des familles délibéraient entr'eux des affaires publiques ; les jeunes gens cédaient sans peine à l'autorité de l'expérience. De là les noms de *Prêtres*, d'*Ancien*, de *Senat*. Les Sauvages de l'Amérique septentrionale se gouvernent encore ainsi, de nos jours, et sont très-bien gouvernés,” &c.

In confirmation however of this assumption, that the re-

* Treatise on the Social Contract, Liv. 3, chap. 5. De l'Aristocratie.

publican form of government had the precedence of other forms, Voltaire in his *Philosophical Dictionary*,* asserts that "every state, on the whole earth, indisputably has originally been a republic: it is the natural progress of human nature. A number of families, at first, entered into an alliance to secure one another against bears and wolves; and that which had plenty of grain, bartered with another which had nothing but wood. On our discovery of America, the several tribes throughout that vast part of the world, were found divided into republics; but there were only two kingdoms. Of a thousand nations, only two were subdued.

It was anciently so on our side of the globe: before the petty kings of Etruria and Rome started up, Europe was full of republics;—Africa has still its republics.—Europe has eight republics, without monarchs; Venice, Holland, Switzerland, Genoa, Lucca, Ragusa, Geneva, and St. Marino. Poland,† Sweden, and England, may be looked upon as republics under a king.—Now, (it is asked,) which would you have your country to be, a monarchy, or a republic? This is a question, which has been bandied to and fro these four thousand years. Ask the rich, which is the best, and they will unanimously vote for an aristocracy; inquire of the people, and they will, one and all, cry up a democracy; as for royalty, it is only kings who will prefer it. How, then, comes it to pass, that almost the whole earth is governed by monarchs? The true reason is, that men very rarely deserve to be their own governors." M. Voltaire appears here to coincide with what is asserted by Montesquieu to be an indispensable principle of the republican form of government. It is remarked,† "there is no great share of probity necessary to support a monarchical or despotic government. The force

* Art. Country.

† Since this was written, Poland having ceased to exist as an independent state, the parallel consequently cannot remain. Holland may perhaps be substituted.

‡ *Esprit des loix*, liv. 3, chap. 3.

of laws in one, and the prince's arm in the other, are sufficient to direct and maintain the whole. But in a popular state, one spring more is necessary, namely VIRTUE."

Montesquieu, however, does not appear to express an opinion as to the priority of a particular form of government. A decision on this subject may not be presumed to be very important, but simply in an historical point of view interesting, as illustrative of the natural order and progress of society.

NOTE (B) p. 23.

Some inconsistent reasoning on this subject, appears evidently to be adopted by Rousseau,* who remarks, "that the idea of representation is modern, and derived its origin from the feudal government: a system so absurd and iniquitous, that, while it degrades human nature, it throws dishonour on the name of man. The people never had representatives in the republics, or even in the monarchies of ancient times; and the word was not known amongst them."

Some little equivocation appears however in the above quotation: the feudal government may for instance be assumed as being designated "absurd and iniquitous," as well as the system of representation; the application of the present tense however, that it "*degrades* human nature," must limit it to the representative system; the feudal government having long since become extinct. In support of these observations the practices of the Grecian and Roman republics are adduced, wherein for the purposes of legislation, general assemblies of the people were resorted to.

It is difficult however to imagine how the affairs of government can be conducted to the advantage of the community, which is or should be the direct object and aim of government, without the intermediate qualification of representatives; the difficulties opposed, and which are to be avoided, are the extremes of democracy and despotism.

* Du Contrat, liv. 3, chap. 15.

NOTE (C) p. 43.

In further illustration and enumeration of the relative advantages and disadvantages attaching to the primary forms of government which have been described, the following may in continuation be adduced, and assumed as fairly portraying these.—“*The separate advantages of MONARCHY are unity of counsel, activity, decision, secrecy, dispatch; the military strength and energy, which result from these qualities of government; the exclusion of popular and aristocratical contentions; the preventing, by a known rule of succession, of all competition for the supreme power; and thereby repressing the hopes, intrigues, and dangerous ambition of aspiring citizens.

The mischiefs, or rather the dangers of MONARCHY are tyranny, expense, exaction, military domination; unnecessary wars, waged to gratify the passions of an individual; risk of the character of the reigning prince; ignorance in the governors of the interests and accommodation of the people, and a consequent deficiency of salutary regulations; want of constancy and uniformity in the rules of government, and, proceeding from thence, insecurity of person and property.

The separate advantage of an ARISTOCRACY consists in the wisdom which may be expected from experience and education;—a permanent council naturally possesses experience; and the members who succeed to their places in it by inheritance will, probably, be trained and educated with a view to the stations which they are destined by their birth to occupy.

The mischiefs of an ARISTOCRACY are dissensions in the ruling orders of the state, which from the want of a common superior, are liable to proceed to the most desperate extremities; oppression of the lower orders by the privileges of the

* Mor. and Pol. Phil. b. 6. c. 6.

higher, and by laws partial to the separate interest of the law makers.

The advantages of a REPUBLIC are liberty, an exemption from needless restrictions; equal laws; regulations adapted to the wants and circumstances of the people; public spirit, frugality, averseness to war; the opportunities which democratic assemblies afford to men of every description, of producing their abilities and counsels to public observation, and the exciting thereby, and calling forth to the service of the commonwealth the faculties of its best citizens.

The evils of a REPUBLIC are dissension, tumults, faction; the attempts of powerful citizens to possess themselves of the empire; the confusion, rage, and clamour, which are the inevitable consequences of assembling multitudes, and of propounding questions of state to the discussion of the people; the disclosure of public councils and designs; and the imbecility of measures retarded by the necessity of obtaining the consent of numbers."

Of the species of monarchy,—“* An *hereditary* MONARCHY is universally to be preferred to an *elective* monarchy. The confession of every writer on the subject of civil government, the experience of ages, the example of Poland, and of the Papal dominions, seem to place this amongst the few indubitable maxims which the science of politics admits of.”

Of Aristocracies, the balance of political power, unquestionably preponderates against them.

† “Amongst the inferior, but by no means inconsiderable advantages of a DEMOCRATIC constitution, or of a constitution in which the people partake of the power of legislation, the following should not be neglected:—

The direction which it gives to the education, studies, and

* Mor. and Pol. Phil.

† Ibid.

pursuits of the superior orders of the community. The share which this has in forming the public manners and national character is very important. In countries in which the gentry are excluded from all concern in the government, scarcely anything is left which leads to advancement, but the profession of arms; &c.; on the other hand, where the whole or any effective portion of civil power is possessed by a popular assembly, more serious pursuits will be encouraged; purer morals, and a more intellectual character will engage the public esteem; those faculties which qualify men for deliberation and debate, and which are the fruit of sober habits, of early and long continued application, will be roused and animated by the reward which, of all others, most readily awakens the ambition of the human mind—political dignity and importance," &c.

Assuming then the political truth and consistency of the foregoing observations, a direct inference is, that moral, intellectual, political, and, by analogy, physical advantages *preponderate* on the side of the democratic form of government,—in its collective and definite sense, designated the republican form of government.—In connection with which assertion, it ought perhaps to be said with Montesquieu, that it is not intended to write, "a satire against monarchical government:"—since "if monarchy wants one spring, it is provided with another. Honour, that is, the prejudice of every person and every rank, supplieth the place of virtue, and is every where her representative."*

NOTE (D) p, 51.

In illustration of this principle of the division of labour, and as a demonstration of the infinite advantages resulting from it,—on which the very existence of civilized society depends,

* L' Esprit des loix, liv. 3, chap 6.

the following may here be appropriately introduced :—"The greatest improvement in the productive powers of labour, and the greater part of the skill, dexterity, and judgment with which it is any where directed, or applied, seem to have been the effects of the division of labour.

* * * * *

It is the great multiplication of the productions of all the different arts, in consequence of the division of labour, which occasions in a well governed society, that universal opulence which extends itself to the lowest ranks of the people. Every workman has a great quantity of his own work to dispose of beyond what he himself has occasion for; and every other workman being exactly in the same situation, he is enabled to exchange a great quantity of his own goods for a great quantity, or, what comes to the same thing, for the price of a great quantity of theirs. He supplies them abundantly with what they have occasion for, and they accommodate him as amply with what he has occasion for, and a general plenty diffuses itself through all the different ranks of the society.

Observe the accommodation of the most common artificer or day-labourer in a civilized and thriving country, and you will perceive that the number of people of whose industry a part, though but a small part, has been employed in procuring him this accommodation, exceeds all computation. The woollen coat, for example, which covers the day-labourer, as coarse and rough as it may appear, is the produce of the joint labour of a great multitude of workmen. The shepherd, the sorter of the wool, the wool-comber or carder, the dyer, the scribbler, the spinner, the weaver, the fuller, the dresser, with many others, must all join their different arts in order to complete even this homely production. How many merchants and carriers, besides, must have been employed in transporting the materials from some of those work-

* Smith's Wealth of Nations, book 1, chap. 1.

men to others who often live in a very distant part of the country! How much commerce and navigation, in particular, how many ship-builders, sailors, sail-makers, rope-makers, must have been employed in order to bring together the different drugs made use of by the dyer, which often come from the remotest corners of the world! What a variety of labour, too, is necessary in order to produce the tools of the meanest of those workmen! To say nothing of such complicated machines as the ship of the sailor, the mill of the fuller, or even the loom of the weaver; let us consider only what a variety of labour is requisite in order to form that very simple machine, the shears with which the shepherd clips the wool. The miner, the builder of the furnace for smelting the ore, the feller of the timber, the burner of the charcoal to be made use of in the smelting-house, the brick-maker, the brick-layer, the workmen who attend the furnace, the mill-wright, the forger, the smith, must all of them join their different arts in order to produce them. Were we to examine, in the same manner, all the different parts of his dress and household furniture, the coarse linen shirt which he wears next his skin, the shoes which cover his feet, the bed which he lies on, and all the different parts which compose it, the kitchen grate at which he prepares his victuals, the coals which he makes use of for that purpose, dug from the bowels of the earth, and brought to him perhaps by a long sea and a long land carriage, all the other utensils of his kitchen, all the furniture of his table, the knives and forks, the earthen or pewter plates upon which he serves up and divides his victuals, the different hands employed in preparing his bread and his beer, the glass window which lets in the heat and the light, and keeps out the wind and rain, with all the knowledge and art requisite for preparing that beautiful and happy invention, without which these northern parts of the world could scarce have afforded a very comfortable habitation, together with the tools of the different workmen employed in producing those

different conveniences; if we examine, I say, all these things, and consider what a variety of labour is employed about each of them, we shall be sensible that, without the assistance and co-operation of many thousands, the very meanest person in a civilized country could not be provided, even according to what we very falsely imagine the easy and simple manner in which he is commonly accommodated. Compared, indeed, with the more extravagant luxury of the great, his accommodation must no doubt appear extremely simple and easy; and yet it may be true, perhaps, that the accommodation of an European prince does not always so much exceed that of an industrious and frugal peasant, as the accommodation of the latter exceeds that of many an African king, the absolute master of the lives and liberties of ten thousand naked savages."

NOTE (E) p. 54.

In these enumerations of different kingdoms and their modes of government, Greece has not been mentioned as an independent state;—its long subserviency to the Turkish Empire and despotism, having necessarily imparted to it the benumbing effects of despotic power, and consequently, rendered its political existence equivocal. Some and even considerable amelioration in its condition appears now to be *gradually* realizing, which is certainly gratifying to philanthropy; and this is the more enhanced from the consideration, that in the ancient Grecian states originated so large a portion of the existing stores of classical learning, &c.

"Genius of ancient Greece,

- - - Nurse divine

Of all heroic deeds and fair desires!"

In connection with Greece, Egypt may also be mentioned, which from a state of vassalage to the Turkish Empire, at the present period assumes the attributes of indepen-

dence and amelioration:—in favour of which the following recent intelligence is confirmatory:—

The Pacha of Egypt has collected at the seat of his government a representative council, composed of deputies elected by the towns and provinces of the dominions under his sway; he has already submitted to this assembly several questions of legislation and administration. He has also set on foot a journal printed in the Turkish and Arabic languages, to communicate to the Egyptian public the deliberations and resolutions of the new council.—*Gazette de France*.

NOTE (F) p. 78.

In an enumeration of three species of religion, which Rousseau asserts enter into the constitution of societies, the preference is given to the religion "of man or Christianity;" and this "not such as it is at the present day," but in its primitive state of purity:—that is, "without the pomp of temples, of altars, or of rites; limited to the pure internal worship of God supreme; and to the discharge of those moral duties, which reason alone enjoins," &c. But, according to Rousseau, even this pure state of religion, "in consequence of its being without fault, must want the necessary bond of connection; its very perfection would prove the vice that must destroy it."

In fine then, and as supreme, there exists "the profession of faith merely civil,"—which has been commented on; the articles of which civil faith, are to be regarded as sentiments essentially conducive to the well being of society; and which are of such paramount importance that, "if any one after he has subscribed to these dogmas shall conduct himself as if he did not believe them, he may be punished with death, for he has committed the greatest of all crimes, he has lied in the face of the law."

An inference, which reduces the mere elements of faith

and opinion to a consideration of the consequences attending civil actions; and which therefore, being adopted as an indispensable and rigid aphorism in the constitution of states, must be of indefinite application, and involve all the varieties and attributes of legislation, concentrated in, and comprehended under, the denomination of the civil law.

NOTE (G) p. 92.

It may be remarked, in passing, that decisions on, and expositions of, the indispensable requisite to the existence of society—justice and its collateral elements, form almost the entire of the speculative and practical portions of legislative science;—this comprising and giving existence to the complicated duties and interests of the legal profession; the various formalities and decisions in Courts of judicature, including the tribunals of the Country, &c.; the definition of justice being included in the Gospel precept, "Do unto another only that which thou wouldst he should do unto you."

NOTE (H) p. 99.

This assertion of the predominance of error, is of course not meant, and cannot apply to all the minutiae of social life, but to those general forms, which in the minutiae of social life, involve all the phenomena of truth and error: such phenomena being preeminently influenced, controlled, and directed, by

"bright Imagination's rays,
Where Virtue, rising from the awful depth
Of Truth's mysterious bosom, doth forsake
Th' unadorn'd condition of her birth,
And dress'd by Fancy in ten thousand hues,
Assumes a various feature, to attract
With charms responsive to each gazer's eye,
The hearts of men."

Akenside.

NOTE (I) p. 105.

Lengthened details, it is obvious, might be entered into, relative to the oppressive and injurious consequences arising from excessive taxation. Particular instances might be selected and pointed out, wherein disproportionate taxation exists, and is productive of a comparative depreciation of the national energies; by a misapplication of the national resources, of which taxation forms a considerable portion. Taxation however, as forming an efficient and indispensable source of revenue in communities, when judiciously exacted, and appropriately employed, is clearly, by no means censurable, on account of the absolute necessity of its exaction; but, on the contrary, when mis-directed and unjustly created, it therefore becomes the subject of animadversion:—since, in such instances, instead of contributing to the maintenance and exigencies of the state, it forms the most considerable, and almost exclusive portion of the public burthens;—thus depreciating the national and individual energies and resources, which, therefore, a judicious and enlightened policy would be, as far as possible, studious of avoiding.

“* Abuses are inseparable from the disposal of public money. As governments are usually administered, the produce of public taxes is expended in the maintaining of pomp, and the purchase of influence. The conversion of property which taxes effectuate, when they are employed in this manner, is attended with obvious evils. It takes from the industrious to give to the idle; it increases the number of the latter; it tends to accumulation; it sacrifices the conveniency of many to the luxury of a few; it makes no return to the people from whom the tax is drawn, that is satisfactory or intelligible; it encourages no activity which is useful or productive.”

It is wholly impracticable, and by no means requisite here, to enter into minute and statistical details of varieties of taxation,—shewing its oppressive forms, and wherein judicious modes of taxation would probably consist. A judicious maxim, is however, probably, the following;—* “The sum to be raised being settled, a wise statesman will contrive his taxes principally with a view to their effect upon *population*; that is, he will so adjust them as to give the *least* possible obstruction to those means of subsistence by which the mass of the community is maintained.”

A primary source of injurious and oppressive taxation is, undeniably, protracted warfare—this entailing on nations a series of evils, in fact incalculable; in which national and individual misfortunes and suffering are principally, and, in a political sense, almost exclusively combined.

To select for illustration a particular community, there is, as ranking foremost in the scale of nations, for magnitude of resources and ascendancy of power, presented to view, ENGLAND, in its civil and political condition. In a consideration of the civil, political, and financial conditions of this country, the predominant feature and fruitful source of complaint, in general, is the excessive amount of taxation, and the enormous creation of the public or national debt. And whence has such an excess of moral and political evil arisen? The reply is at once obvious and easy,—from protracted warfare; the evils entailed by which, continue to be felt and generally experienced, long after its cessation. But, it may be repeated, the primary and important aim of judicious and enlightened policy, would unquestionably be, a constant endeavour to effect the diminution and reduction, if not annihilation, of such oppressive evils; which so materially depreciate the national energies, and subvert the general welfare.

In proportion to such essential and paramount endeavour

* Paley.

to diminish the public and national evils; and to promote, as far as practicable, the national prosperity and welfare,—in such proportion, the character of the administration, as a supreme and influential cause, is reciprocally determined. The administration thus meriting the public approval or disapprobation, in a corresponding ratio to a judicious and enlightened policy, adopted as conducive to the public good; or, on the contrary, by the merging of *public* into *private* interests, thus virtually sacrificing the general welfare, to the subordinate and destructive consequences of the aggrandizement of power, luxury, and enjoyment, in the hands of a comparative few, as founded on the productive powers, physical energies, and laborious industry of, and therefore unjust exactions from the many. With respect to England however, the political aspect and condition of which has been briefly considered, *—One of the most remarkable circumstances in the present situation of Britain, is the enormous magnitude of its public or national debt.—“By the extraordinary expense and duration of the war of the French Revolution, the national debt has augmented to its present magnitude, of about eight hundred millions, the interest of which amounts to above thirty millions per annum, which must be paid, in addition to the current or ordinary expense of supporting the army, the navy, and the whole civil and ecclesiastical officers of the empire, the high roads, harbours, and bridges, the poor, &c. &c.”

It being however altogether impracticable here, to pursue such subjects, to specific and minute details of the operose and various characters and consequences of unjust and excessive taxation, for general illustration, the following may be cited.—*National Debt.*—The debt of the United Kingdom divided equally among its inhabitants, averages £34. 15s. 8d. or about 2s. taxes £2. 7s. 11½d., (but as Ireland does not

* Political Fragments, by Robert Forsyth, Esq.

contribute her quota, the average of taxes upon the people of Great Britain, is about £3. 7s. 6d. per head,) and its trade and commerce in exports and imports, £3. 9s. 9½d. The debt of France, equally apportioned, averages £6. 5s. per head, the taxes £1. 5s., and its commerce only £1. 13s. 5½d. The debt of America averages only £1. 0s. 10½d. per head, the taxes 9s. 2½d., and its commerce £3. 3s. 4d. Now supposing the whole of the revenue of each country was derived from the exports alone, it would appear that the taxes on the commerce of England amount to £68. 14s., 10 per cent.; and on that of France, £7. 4s., 15 per cent.; and on that of America only £14. 11s., 1½ per cent. I shall not go any further with the comparison, but leave it to my readers to make their own deductions.—*Thick's Review of the Government of England.*

NOTE (K) p. 108.

According to Smith, * "The art of war is the *noblest* of all arts," and "in the progress of *improvement*, necessarily, becomes one of the most complicated among them." It is however difficult to reconcile notions of philanthropy and philosophy, with such an opinion. The principal objection arising to such an assertion is, that the art of war is designated as "the noblest of all arts." Perhaps the only argument that can be urged in its favour is, the indispensable necessity of resorting to it under certain conditions and modifications of political and rival communities. In relation to which it may be asked—"What is a people? An individual of the society at large. What a *war*? A duel between two individual people. In what manner ought a society to act when two of its members fight? Interfere and reconcile

* Wealth of Nations, book 5, chap. 1.

or repress them. In the days of the Abbé de Saint Pierre this was treated as a dream, but happily for the human race it begins to be realized." *Note y, Volney's Ruins of Empires.*

NOTE (L) p. 114.

Exceptions to this general inference, sometimes occur in the constitution of states which cannot be designated as barbarous or uncivilized, but on the contrary are far removed from such conditions;—for instance in an hereditary monarchy, when the issue of the reigning family becomes extinct, recourse must be had to the election of another family, which in like manner becomes hereditary. An analogous instance to this at once presents itself to view, in the history and constitution of England—at the termination of the reign of Anne.

NOTE (M) p. 116.

A somewhat singular distinction subsisted in the constitution of these Comitia, by their division into two classes, styled the comitia centuriata, and the comitia tributa;—in both of which classes the legislative power was notwithstanding vested:—the comitia centuriata participating of the character of a delegation, but the superiority and ascendancy being possessed by the comitia tributa—the plebeians or people; who from their superiority in numbers, gave laws to the whole republic.

NOTE (N) p. 122.

The following illustrates the extent and rapid increase of the Russian Empire:—The Roman Empire, in the days of Trajan, its most balmy hour, extended but three thousand miles from east to west, and two thousand from north to

south. Russia, at this hour of its comparative infancy, extends ten thousand miles from east to west, and three thousand from north to south. The Roman was the growth of eight centuries, the Russian of one.

NOTE (O) p. 124.

As a fair portraiture and illustration of the genial influence and beneficial effects flowing from the cultivation and extent of philosophy amongst mankind, more particularly comprehended under the designation of the "Spirit of philosophy,"* the following may here be appropriately cited.—
"The 'Spirit of philosophy,' is that living principle, which, *next to that of a higher and more sacred character*, exerts the most constant and powerful influence upon the mind, in which it has been engendered. It is a spring of motion which is ever ready to act, and to urge forward in the pursuit of knowledge. It is a leaven, which diffuses itself with an assimilating effect over the whole mass of the character, and is still more to be recognized in the cast and complexion, which it imparts to the operations of the mind, than in the amount of the information which it has succeeded in acquiring; and is so much more valuable than a technical acquaintance with a few of the barren facts of science, as a habit in morality is of greater importance than a set of notional and isolated principles. It is this spirit in man—a spirit in a degree more or less forming an original element of his being, which has kept alive the flame of science in every age of the world, and in minds of happier mould has led to such magnificent results. It was this, which roused such vigorous, though frequently ill-directed struggles after knowledge—which kindled such lofty aspirations and floated in undefined visions of truth and loveliness and beauty among

* A Lecture by the Rev. J. Davies, of Queen's College, Cambridge.

the sages of the ancient world. It was this, which consecrated with its awful presence, and seemed to walk in mysterious grandeur through the Porch, the Academy, and the Lycaëum. It was this, which suggested the silent musings of Pythagoras, as he pored over his theory of numbers, which luxuriated in the ideal reveries of Plato, which reasoned in the ethical discussions of Socrates, and traversed the field of science in the boundless researches of Aristotle. It was this, which rose like an eagle driven from its retreat, and wafted upon its wings a numerous progeny of arts from the Acropolis to the Capitol—from the rock of Attica to the hills of Rome. It was this, which, after having been revived from its prostrate impotence by the morning air of the Reformation, enshrined itself in the soul of Bacon, and thence uttered those oracles of prophetic wisdom, which Boyle and Newton and Locke and an unbroken succession of congenial spirits have ever since been employed in interpreting.

If such have been the operations and results of this powerful principle in the intellectual constitution, it is obviously of primary importance to the interests of literature and science in all their higher and more philosophical departments, that it should be cherished and universally diffused."

NOTE (P) p. 125.

To enter into minute disquisition on the comparative advantages or disadvantages attending the duration of Parliaments, either for short or long periods—that is of annual, triennial, or septennial Parliaments; a particular state or nation is to be selected, and strictures and observations thereon, confined to such particular community. There is therefore presented to view, as ranking foremost in the political scale, the constitution of England.

To descant on such a subject, either for the avowed purpose of pointing out existing abuses, or for the proposal of efficient means of amelioration and improvement, in such pa-

ramount and important portion of the English administration, is therefore to advocate the hackneyed, and *almost* futile topic of reform in parliament; which to be *effective*, must be correlative with general reformation in a community: in other words, political *abuses* on which *defective* systems of representation are dependent, must, generally speaking, cease to have existence, to ensure the accomplishment of what is assumed as a panacea for legislative, national, and moral evil.

To continue a mode of discussion relative to Parliaments, it is at first view obvious, that, as respects the name of parliament, for localization, such discussion must be principally, if not exclusively confined to England, or the British administration*: the three estates of King, Lords, and Commons, combined in their legislative and executive powers, constituting a Parliament. One of which estates only being elective, it is solely in it that what is termed reform is implied, and for it demanded. To reform the House of Commons, the third estate of the constitution, is therefore the effective, immediate, and paramount object to be attained. The immediate question then arises,—in what the reformation of this portion of the administration absolutely consists; and, secondly, wherein, or by what operative and efficient causes such desi-

* Considerations relating to the constituent characters of the legislative Chambers of France, and the representative Assemblies of America, are for instance wholly foreign to these discussions.—But *à-propos*, an exception to this remark now occurs; recent and passing events, in other words, political changes founded on, and intimately connected with the constitution of the legislative Chambers of France, having given to them a marked attention, and induced an extensive degree of *extraneous* in addition to *local* interest—that is, of an interest felt beyond the pale and operation of the laws, customs, and manners of France; which interest, thus extensively felt beyond the boundaries of the French Nation, unquestionably preponderates in favour of liberal institutions and laws—these procuring the general welfare; and being therefore in direct opposition to, or rather reprobation of, the misguided, infatuated, and withering influences of arbitrary and despotic power, sought to be established:—but, *Diis aliter visum*.

rable reformation is to be accomplished. In a consideration of these questions, it is immediately apparent, that a great variety of data are involved, and required to afford consistent replies. It is also apparent or inferential, that on such subjects, diversity of opinion must arise as to efficient means of reform; its absolute characters; and the practical consequences *anticipated* from the operation of theoretical and unpractised principles, or schemes of reformation.

The demand for a reform in parliament, of necessity implies that something radically defective and requiring remedy exists. This position being admitted, the next consideration is—what is constitutionally bad; and where the remedy is to be applied. The reply to this is, that the definite ground and cause of complaint exists, or consists, in imperfect representation;—the desired object being to render the House of Commons a better representation, than that which has existed, of the intelligent, virtuous, and independent portion of the community.

Another, and fruitful topic for discussion relates to the duration of Parliaments,~viz. as to what length of duration would be likely to prove the most beneficial. Rejecting the existing period of the septennial parliaments, there are proposed the other periods of triennial and annual parliaments; with which is associated the doctrine of *universal suffrage*: into all of which minutiae it is impracticable here to enter—the consideration of such topics, being ostensibly more adapted to public discussion, than to be confined within the limits of mere dissertation.

In expressing an opinion, however, on the probable merits of shorter periods, for the duration of parliaments, than the existing septennial period, it may be asserted, that triennial parliaments would probably prove more, if not the most advantageous;—since, in such case, the real representation of the community would be more frequently renewed; and therefore by allowing of a more frequent change, would with-

out doubt afford one species of remedy for the renovating of existing defects and impolitic systems of administration; these by experience and facts being demonstrated to be subversive of, and prejudicial to, the interests, amelioration, and welfare of the community at large.

NOTE (Q) p. 126.

In accordance with, and confirmation of the political axiom which is here assumed, that the production and conservation of the aggregate happiness and welfare of the community is, or should be, the direct aim of government, the following citations may be given from Dr. Paley,*—"The final view of all rational politics is to produce the greatest quantity of happiness in a given tract of country. The riches, strength, and glory of nations—the topics which history celebrates, and which alone most engage the praises, and possess the admiration of mankind—have no value further than as they contribute to this end. When they interfere with it, they are evils, and not the less real for the splendour that surrounds them.

Secondly, although we speak of communities as of sentient beings; although we ascribe to them happiness and misery, desires, interests, and passions; nothing really exists or feels, but *individuals*. The happiness of a people is made up of the happiness of single persons; and the quantity of happiness can only be augmented by increasing the number of the percipients, or the pleasure of their perceptions.

Thirdly, notwithstanding that diversity of condition, especially different degrees of plenty, freedom, and security, greatly vary the quantity of happiness enjoyed by the same number of individuals; and notwithstanding that extreme cases may be found, of human beings so galled by the rigours

* Mor. and Pol. Phil. b. 6. c. 11.

of slavery, that the increase of numbers is only the amplification of misery; yet within certain limits, and within those limits to which civil life is diversified under the temperate governments that obtain in Europe, it may be affirmed, with certainty, that the quantity of happiness produced in any given district, *so far* depends upon the number of inhabitants, that, in comparing adjoining periods in the same country, the collective happiness will be nearly in the exact proportion of the numbers; that is, twice the number of inhabitants will produce double the quantity of happiness: in distant periods, and different countries, under great changes or great dissimilitude of civil condition, although the proportion of enjoyment may fall much short of that of the numbers, yet still any considerable excess of numbers will usually carry with it a preponderation of happiness; that, at least, it may and ought to be assumed in all political deliberations, that a larger portion of happiness is enjoyed amongst *ten* persons, possessing the means of healthy subsistence, than can be produced by *five* persons, under every advantage of power, affluence, and luxury.

From these principles it follows, that the quantity of happiness in a given district, although it is possible it may be increased, the number of inhabitants remaining the same, is chiefly and most naturally affected by alteration of numbers: that, consequently, the decay of population is the greatest evil that a state can suffer; and the improvement of it the object which ought, in all countries, to be aimed at, in preference to every other political purpose whatsoever.

The importance of population, and the superiority of it to every other national advantage, are points necessary to be inculcated, and to be understood; inasmuch as false estimates, or fantastic notions of national grandeur, are perpetually drawing the attention of statesmen and legislators from the care of this, which is, at all times, the true and absolute interest of a country: for which reason, we have stated these

points with unusual formality. We will confess, however, that a competition can seldom arise between the advancement of population and any measure of sober utility; because, in the ordinary progress of human affairs, whatever, in any way, contributes to make a people happier, tends to render them more numerous."

NOTE (R) p. 136.

According to Rousseau "there is with nations, as with men, a period of maturity, which it is proper they should attain before they are made subject to laws: but it is not easy to know when a people are sufficiently matured; and if the moment is anticipated, the work is defeated." Whence an inference is deduced that "the Russians will never be perfectly civilized, because their civilization was attempted too hastily."

NOTE (S) p. 137.

In accordance with these observations, and in justification of the principle that the production of the aggregate happiness and welfare of the community should virtually constitute the *ne plus ultra*, or the perfection of civil policy, in reformed and beneficent modes of government, the following citation, relative to the paramount authority of the people, or of the mass of society may be adduced. It is stated that after defining "* the motives which should induce all individuals without exception to concur in promoting the greatest happiness, it was an easy inference that if the happiness of men is to be the object of government, the object is to be obtained by their being governed with a view to their own interest, and not to the interest of somebody else; and that the

* Westminster Review, No 23. Art. "Greatest Happiness Principle."

way to effect this is, that they should govern themselves, or at all events hold an effectual *check* over those to whom the reins of government are committed."

NOTE (T) p. 140.

It is asserted at page 122, in a comparison of the rival and principal powers of Europe, that of these a maximum of the essential elements of wealth and knowledge is undoubtedly possessed by England, and dependencies;—the attribute of knowledge, in its infinitely varied gradations, from the abstract and refined sciences to the less complicated and more familiar developments of the useful arts, being assumed and demonstrated to be essentially conducive to national prosperity and power. Confining the argument to the position, that the maximum of knowledge is possessed by, and assignable to England, we are met in the following remarks,* by a refutation of such a plausible assumption :—

† "It cannot have escaped the attention of those, whose acquirements enable them to judge, and who have had opportunities of examining the state of science in other countries, that in England, particularly with respect to the more difficult and abstract sciences, we are much below other nations, not merely of equal rank, but below several even of inferior power. That a country, eminently distinguished for its mechanical and manufacturing ingenuity, should be indifferent to the progress of inquiries which form the highest departments of that knowledge on whose more elementary truths its wealth and rank depend, is a fact which is well deserving the attention of those who shall inquire into the causes that influence the progress of nations.

To trace the gradual decline of mathematical, and with

* Reflections on the Decline of Science in England, and on some of its Causes. By C. Babbage, Esq.

† Introductory Remarks.

it of the highest departments of physical science, from the days of Newton to the present, must be left to the historian." Remarks are however offered "with the hope that they may excite discussion,—with the conviction that discussion is the firmest ally of truth,—and with the confidence that nothing else can remove the evils that chill the enthusiasm, and cramp the energies of the science of England."

To decide on the merits of the above remarks, extensive data are obviously required, and an examination of the aggregate of science indispensable—qualifications which are beyond the character, province, and practicability of the present discussions. It may however in reply to the foregoing quotations be admitted, that particular branches of knowledge, such as the "difficult and abstract sciences" *may*, with respect to England, be equalled and excelled in other countries, whilst, notwithstanding, the general aggregate of knowledge, including the more familiar developments of science and the arts, may be demonstrated to have attained an ascendancy in England; with which may be associated the dependencies or component parts of the British Empire.

An inquiry into the nature of the causes which impede the advancement of knowledge and science, and thereby counteract their salutary and beneficial influences, would undoubtedly assign the priority of causes, and therefore the most influential, to modes of administration; so that according to the encouragement given, and protection afforded to science and knowledge in general, and, reversely, the prohibitions and restrictions imposed thereon, the several attributes of progression and decline will be manifested.

Another consideration as respects the general dissemination of knowledge, would have relation to the state of Education amongst the people, and the facilities afforded for instruction; according to the advocacy or indifference manifested for which, an enlightened, or an unenlightened state of society, will be the natural consequence.

Further, another materially obstructing cause is found to consist in, and to result from, popular and national prejudices; from superstitious enthusiasm, or religious zeal, &c. The dogmas of the "infallible church"* for instance, may be placed in the foremost rank; the prohibition of general instruction from the people, and the perpetuation of ignorance therefore amongst the mass of the community, being a primary and a positive precept.

But it may be replied, that the dogmas of the infallible church, or its power, not having an ascendancy, or any very material influence on the civil, moral, and political condition of England, at the present period at least, such a view of the subject is irrelevant to the positions assumed or arguments advanced;—which is specifically true as respects the precise mode of argumentation adopted; and we are therefore brought to the position whence we set out—viz. relatively to the primary assertion that, with respect to the more "difficult and abstract sciences," England is "much below other nations not merely of equal rank, but below several even of inferior power." This opinion it is not here intended to combat; and since on "the more elementary truths" of that knowledge, its "wealth and rank depend," the decline of such knowledge, forms therefore a subject of regret, and demands the operation of remedial and renovating causes.

NOTE (U) p. 162.

From the appropriateness and quaintness of the general remarks, contained in the following quotation; and their congruence with the subjects discussed in the preceding pages, we may therefore take the liberty of here transcribing it.—

* Of Rome.

There is a vast deal of cant abroad, with regard to the turbulent theories, which are said to be peculiar to the present day, and which a certain class of writers affect to lament, as leading to political revolutions. It is indeed true, that although the "school-master is abroad," the world is not free from quacks in legislation, in morals, and in philosophy, as well as in theology; but, nevertheless, we firmly believe that mankind are steadily advancing towards a higher state of improvement. We agree with a modern writer, that "there is a never ceasing progress to amelioration;" and although each considerable movement is followed by a sensible reaction, the system runs irresistibly onward, and no advance that is made, is utterly lost. We hear a good deal about the liberality of government, and the wisdom of statesmen; but when do we find reforms in the science of legislation originating with them? With few exceptions, they linger behind in the race of political improvement, and are *propelled* along the *rail road* of innovation, by the *steam* power of popular opinion. The improvements in our domestic policy, which are so extravagantly praised in modern times, do not arise from the alacrity of our legislators, solicitous to anticipate the wishes of the community. They are the offspring of public sentiment, rendered irresistible by the renovating and strengthening influence of diffused intelligence. They are the tardy, but certain triumphs of reason and justice over prejudice and selfishness.—*Northern Whig*.

NOTE (V) p. 162.

With relation to principles and maxims, or systems of administration proposed for adoption, with a view to anticipated advantages, and beneficial consequences—such as have been attempted to be illustrated in the foregoing pages, the

following words of Horace may not, perhaps, be altogether inapplicable; and are in fact, in an analogous sense, of indefinite application :—

Vive, vale. Si quid novisti rectius istis,
Candidus imperti; si non, his utere mecum.

- - - " if a better system's thine,
Impart it freely, or make use of mine."

FINIS.

EXETER:

PRINTED BY W. C. POLLARD, NORTH-STREET.









